

January 9, 2026

The Honorable Shelley Moore Capito
Chairman
Committee on Environment and Public
Works
United States Senate

The Honorable Brett Guthrie
Chairman
Committee on Energy and Commerce
U.S. House of Representatives

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

The Honorable Frank Pallone, Jr.
Ranking Member
Committee on Energy and Commerce
U.S. House of Representatives

Dear Chairmen Capito and Guthrie and Ranking Members Whitehouse and Pallone:

As you consider potential reforms to the *Toxic Substances Control Act (TSCA)*, we urge your Committees to legislate a pressing priority for downstream users and the industries we represent: clarifying the existing statutory exemption for replacement parts.

Our industries support a “repair as produced” concept, meaning that the makers and users of replacement parts should be allowed to use the materials that were acceptable when the complex durable good was designed, certified, and warranted, even if manufactured after the effective date of a chemical-specific restriction by the U.S. Environmental Protection Agency (EPA) on new manufacturing or use of a chemical contained in those parts. For complex durable and consumer goods with lifecycles that can last for years or even decades, this concept is essential so that original equipment manufacturers can fulfill their obligations under federal warranty law (and certain state laws and contractual agreements) to service and make replacement parts available, even after new production of the product ceases. If a replacement part is not available on the shelf, suppliers continue to produce replacement parts typically using the same materials, production processes, and engineering specifications as applicable to the product or part made by the original equipment manufacturer.

In 2016, Congress passed the *Frank R. Lautenberg Chemical Safety Act for the 21st Century* (Public Law 114-182), which requires the EPA to exempt replacement parts for complex durable goods that are designed prior to the date of publication of a TSCA risk management rule unless the replacement parts contribute significantly to the risk as identified in the risk evaluation. However, the EPA has inconsistently applied Section 6(c)(2)(D) of TSCA to rulemakings since 2016.

For example, if the EPA determines that articles and replacement parts do not present an unreasonable risk, the Agency has stated it does not need to address the issue of replacement parts in the proposed risk management rule. In other regulations, the EPA opted out of a risk evaluation and then interpreted the statute as allowing for inclusion of replacement parts without

an unreasonable risk determination from a risk evaluation. Most alarmingly, the EPA misinterpreted the exemption established by the 2016 law as allowing the Agency to ban an upstream use of a chemical that may be used in the manufacture of a replacement part downstream and stated erroneously that this was not contrary to the replacement parts provisions of TSCA.

Currently, under Section 6 of TSCA, the EPA can regulate a chemical at any point in the lifecycle – including its production, processing, distribution, and use. Therefore, even if replacement parts are “exempted” at the use stage, if the EPA has already prohibited manufacture or import of a chemical substance upstream of the replacement part, the use exemption is meaningless in practice because the chemical material supply is cut off. This creates the possibility that complex durable goods will continue to face replacement part shortages because the upstream ban blocks a key part of the chemical supply chain for replacement parts.

To resolve the EPA’s inconsistent application of the replacement parts exemption under TSCA, we propose to make the exemption self-executing such that it is presumed that replacement parts are exempt unless the Agency demonstrates that replacement parts contribute significantly to the risk identified in the risk evaluation. Specifically, our proposed amendment would make clear that the continued, limited production of chemicals necessary for replacement parts—and only to be used to manufacture replacement parts—is permitted with a transition period included to allow future markets to fully transition a chemical off the market if a replacement part is found to contribute significantly to unreasonable risk.

Our proposed amendment would fulfill Congressional intent in the 2016 law by increasing consistency of the replacement parts analysis by the EPA and ensure that chemicals needed to manufacture replacement parts, especially for complex durable goods such as automobiles; home and office appliances; semiconductor manufacturing equipment; electronics equipment; and aviation, aeronautics, and defense apparatuses are protected at all stages of the product lifecycle. We believe this proposed legislative change balances the need for comprehensive risk evaluations while still ensuring that complex durable and consumer goods are consistently and reliably protected by statutory exemption.

We appreciate your consideration of this critical priority for downstream users and stand ready to work with you, your Committees, and every Member of Congress to enact TSCA reforms that better support American manufacturing, innovation, and global competitiveness. Thank you for your leadership.

Sincerely,

Alliance for Automotive Innovation
Aerospace Industries Association
Truck and Engine Manufacturers Association
American Trucking Associations
Specialty Equipment Market Association (SEMA)

Electronic Components Industry Association
Semiconductor Industry Association (SIA)
Consumer Technology Association
Motorcycle Industry Council
Specialty Vehicle Institute of America
Recreational Off-Highway Vehicle Association
MEMA: The Vehicle Suppliers Association
Association of Equipment Manufacturers
National Association of Manufacturers
Zero Emission Transportation Association (ZETA)
Chemical Users Coalition

Enclosure: Proposed Amendment to TSCA Section 6(C)(2)(D)

SEC. #. REPLACEMENT PARTS.

(a) IN GENERAL.—Section 6(c)(2)(D) of the Toxic Substances Control Act (15 U.S.C. 2605(c)(2)(D)) is amended:

(1) By redesignating clause (ii) as clause (vi); and

(2) In clause (i), to read as follows:

“(i) IN GENERAL.—The Administrator shall exempt replacement parts for complex durable goods and complex consumer goods that are designed prior to the date of publication in the Federal Register of the rule under subsection (a).

“(ii) EXCEPTION.—The Administrator may only regulate replacement parts if the Administrator—

“(I) finds through the risk evaluation conducted under subsection (b)(4)(A) that the replacement parts contribute significantly to the risk to the general population or to an identified potentially exposed or susceptible subpopulation; and

“(II) makes an express written determination for such replacement parts, supported by substantial evidence in the risk evaluation, that the replacement part alone contributes significantly to the risk to the general population or to an identified potentially exposed or susceptible subpopulation.

“(iii) CLARIFICATION.—If the Administrator determines that a risk evaluation is not needed under subsection (b) for a chemical substance, no rule issued under subsection (a) shall apply to replacement parts for complex durable goods or complex consumer goods that were designed prior to the date of publication of such rule.

“(iv) UPSTREAM SUPPLY.—

“(I) The Administrator shall not prohibit the manufacture, processing, or import of a chemical substance to the extent that such chemical substance is necessary for the manufacture of replacement parts exempted under this section.

“(II) The Administrator shall establish procedures to ensure that such manufacture, processing, or import is limited exclusively to the manufacturer of replacement parts.

“(v) TRANSITION PERIOD.—Any prohibition or restriction on replacement parts for complex durable goods permitted [under this subparagraph] [under clause (ii)] shall allow for a transition period of not less than 15 years.”.