

To the office of U.S. Representative Derek Tran

Re: HR 10108 (119th Congress), Hazardous Materials Transparency Act • Latest action (2026-08-13): Referred to the House Committee on Armed Services.
VFA SI Solution #276 • published 2026-08-18 • <https://www.valuesforamerica.com/solutions/276>
Office of record (Congress.gov): 1127 Longworth House Office Building, Washington, DC • (202) 225-2415

Hazardous Materials Transparency and Federalism Act of 2025

The measure, as described from the official record: To protect public health and safety by increasing transparency about the presence and use of hazardous materials in products and facilities, thereby enabling informed decision-making by consumers, workers, and regulators.

THE PROPOSAL

This Act requires any person or entity engaged in interstate commerce that manufactures, processes, or distributes a product containing a hazardous material above a de minimis threshold to submit a standardized disclosure form to the Environmental Protection Agency (EPA) for public dissemination. Disclosure is limited to information necessary to protect health and safety and that is not exempted by the following: (1) trade secrets, as defined by the Uniform Trade Secrets Act, are protected and may be withheld upon certification; (2) national security information, as determined by the Secretary of Defense, is exempt from public disclosure; (3) any state or local government may adopt stricter disclosure requirements, and this Act does not preempt such laws unless they conflict with federal reporting timetables. The Act applies only to facilities that are part of the critical infrastructure under the Department of Homeland Security or that produce, use, or store hazardous materials listed by the EPA that are shipped across state lines or that could reasonably affect interstate commerce by causing supply chain disruptions. Enforcement is through civil penalties by the EPA, with a right to an administrative hearing and judicial review under the Administrative Procedure Act. The EPA shall report annually to Congress on compliance and recommend any adjustments to the scope of listed materials. This Act sunsets five years after enactment, subject to reauthorization.

OPERATIVE PROVISIONS (VFA PROPOSAL)

Funding Source	Fees imposed on regulated entities proportionate to the volume of hazardous materials disclosed, deposited into a dedicated Hazardous Materials Transparency Fund.
Funding Amount	Not to exceed \$50 million annually, adjusted for inflation, with the cap set by the EPA in consultation with the Office of Management and Budget.
Sunset Years	5 years
Oversight Body	Joint oversight by the House Committee on Energy and Commerce and the Senate Committee on Environment and Public Works, with annual GAO audit of the program's effectiveness and constitutional scope.
Enforcement Mechanism	Civil penalties of up to \$25,000 per violation per day for knowing failures to disclose, with a maximum of \$500,000 per year per entity, enforceable by the EPA

through administrative orders and by the Department of Justice in federal court.

Effective Date 180 days after enactment, to allow for rulemaking and compliance preparation.

CONSTITUTIONAL BASIS

- Article I, Section 8, Clause 3 (Commerce Clause)
- Article I, Section 8, Clause 18 (Necessary and Proper Clause)
- Tenth Amendment
- Fifth Amendment Due Process Clause (protection of trade secrets)

Concerns with the measure as written:

- The original bill may have applied to purely intrastate activities not substantially affecting interstate commerce, exceeding Congress's Commerce Clause power.
 - It may have required disclosure of trade secrets without adequate due process protections, violating the Fifth Amendment.
 - It may have directly regulated state and local government operations or preempted state police powers without clear constitutional authority, violating the Tenth Amendment.
 - It may have imposed mandates on military installations or national security-related activities without proper accommodation, infringing on executive authority and separation of powers.
-

WHY BOTH SIDES CAN BACK IT (VFA'S ASSESSMENT)

Honors Democratic priorities: public health protection, environmental transparency, and federal baseline standards. Honors Republican priorities: limited federal reach through Commerce Clause nexus, protection of trade secrets and national security, non-preemption of state police powers, sunset provision to prevent permanent expansion, and cost containment through fee-based funding and spending caps.

Values for America is a nonpartisan, constitution-first SI think tank. This brief is informational. It is a policy proposal, not law, and it does not support or oppose any candidate or party. Full analysis and sources: <https://www.valuesforamerica.com/solutions/276> · Methodology: <https://www.valuesforamerica.com/methodology>