



SHUTTERSTOCK

MANAGING CHEMICALS WORLDWIDE

UNITED NATIONS WORK is a top issue at industry gathering on chemical regulation

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UNITED NATIONS activities aren't usually high on the agenda at GlobalChem, the chemical industry's annual regulatory confab. But at this year's meeting, a focal point was the UN's upcoming 2nd International Conference on Chemicals Management, which will have significant ramifications for the entire chemical enterprise.

Like past meetings, this year's GlobalChem, held earlier this month in Baltimore, had plenty of discussions about efforts to regulate chemicals. And although meeting attendees heard about efforts to reform the Toxic Substances Control Act (TSCA) and the Environmental Protection Agency's actions to evaluate its chemical management program, discussion at the industry-hosted, two-day meeting focused strongly on the upcoming UN conference.

At that UN conference, which will be held in Geneva, governments, manufacturers, and environmental activists will dis-

cuss expansion of the Strategic Approach to International Chemical Management (SAICM). The strategy is designed to help the nations of the world implement, by 2020, a comprehensive plan for managing chemicals. Essentially, it is an internationally accepted policy guidebook aimed primarily at developing countries that lack a regulatory system for chemicals. The May 11-15 gathering will build on efforts established at the first conference, which took place in Dubai, United Arab Emirates, in 2006 (C&EN, Feb. 27, 2006, page 31).

Speakers at GlobalChem explained why the chemical industry is paying such close attention to the UN meeting. For instance, Philip J. Snyder, global manager of product stewardship at Shell Oil, told GlobalChem that the industry needs to address management of its products around the world. "We can't always reach through our contracts and influences in the supply chain," he

LOOKING AHEAD

The 2nd International Conference on Chemicals Management will take place next month in Geneva, known for the landmark Jet d'Eau in the city's adjoining lake.

said. "All actors in the supply chain need to be accountable." It is important for the chemical industry to be at the Geneva meeting and take part in activities afterward, Snyder added.

On the agenda for the upcoming meeting are four issues of concern to the entire chemical enterprise, according to Matthew Gubb, coordinator of SAICM at the UN Environment Program. One is nanomaterials. Discussions in Geneva will be aimed at helping developing countries reap the benefits of these novel products while appropriately managing nanomaterials' risks, Gubb said.

A second issue to be addressed at the Geneva conference concerns chemicals in consumer products, such as household cleaners and toys. A proposed plan is to establish a global database of toxicity information about these substances, Gubb said.

Electronic waste, which is increasingly piling up in developing countries, is another issue on the agenda. Workers in those countries, who are sometimes children, strip old computers, cell phones, and the like to reclaim metals and other salable components, exposing themselves to toxic materials in the process. The conference discussions, Gubb said, will explore how these materials escape management under a global treaty, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes & their Disposal.

THE FOURTH main topic for the Geneva meeting is lead-containing paint, which is still used widely in the developing world. The goal is formation of a global partnership among industries, governments, and citizen groups to set standards for the level of the neurotoxic metal in paints worldwide, Gubb said.

The chemical industry should endorse a worldwide phaseout of lead in paint, urged Glenn Wiser, senior attorney for the Center for International Law. "It's kind of a no-brainer, especially for U.S. companies," which eliminated lead in residential paint

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decades ago, Wisner told GlobalChem participants. The Center for International Law is part of a global environmental advocacy coalition called International Persistent Organic Pollutants Elimination Network.

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CHERYL HOGUE/C&EN (BOTH)



Synder



Gubb

impetus for future chemical policies worldwide. But there will be other drivers as well, said Daniel Fantozzi, director of the U.S. State Department's environmental policy office. For instance, the UN Commission on Sustainable Development, which examines environment- and development-related issues, will focus on chemicals management in 2010 and 2011, he said. Meanwhile, the 3rd International Conference on Chemicals Management is scheduled for 2013, Fantozzi added.

In addition to talking about SAICM, speakers at GlobalChem discussed expected changes in U.S. regulation of chemicals. Front and center among them are efforts that recently began in Congress to revisit and probably rewrite TSCA, the law that governs the manufacture of chemicals. That statute has remained virtually unchanged since it was enacted in 1976.

AS DEBATE over TSCA begins, Washington policymakers are favoring chemical companies less than they have in years past, said Calvin M. Dooley, president and chief executive officer of the industry trade group American Chemistry Council (ACC). The political climate in Washington was "pretty positive" for the industry during the last decade or two, Dooley told GlobalChem attendees. In the past, chemical makers could be fairly confident that policies they supported would be maintained and that they could fend off proposals they opposed, he said.

In addition, Dooley pointed to recent public uproar—and legislators' responses to it—over bisphenol A (BPA) and phthalates (C&EN, March 23, page 9). BPA is an estrogen mimic used in polycarbonate bottles and can liners used for food and infant formula. Phthalates, used in a variety of items from cleaning products to toys, are linked to endocrine disruption.

This outcry, Dooley contended, shows the public does not have confidence in the federal system that oversees chemicals in consumer products. Last month, Dooley called for reform of TSCA so that EPA, using hazard and exposure data, can determine whether chemicals are safe for their intended use (C&EN, March 9, page 24).

James J. Jones, acting assistant administrator for EPA's Office of Prevention, Pesticides & Toxic Substances, said a consensus seems to be forming in Washington that the agency should make safety determinations for chemicals that are already on the market. But within this broad agreement is divergence over how to define "safe," he said. Some environmental and consumer groups are calling for a safety standard that includes precaution. Chemical makers, meanwhile, want one based solely on documented risk.

Dooley encouraged the chemical industry to reach out to the activists who are calling for big changes to TSCA. For instance, he said, ACC recently invited Ken Cook, president of the Environmental Working Group, an organization highly critical of the chemical industry, to speak to its board of directors. Chemical manufacturers should work with activists to identify areas where they can narrow their differences, Dooley suggested, while not expecting 100% agreement. This, he contended, will demonstrate to Congress that the chemical industry is "constructively engaged" in the debate to reform TSCA.

One issue on which the industry and environmentalists can likely find some agreement involves data chemical makers

submit to EPA about their products and claim as confidential business information, Dooley said. TSCA currently prohibits EPA from sharing data claimed as proprietary. This puts a serious crimp in the agency's efforts to cooperate with state governments or foreign governments, such as Canada and the European Union, on chemical management issues.

Congress should change TSCA so the agency can share confidential business information on chemicals with states and local and foreign governments under two conditions, Dooley suggested. One is that the information should be relevant to regulatory decisions about a compound's safety. The other is that the government receiving the data from EPA should have appropriate safeguards to protect against public disclosure of the information, he said.

Although the debate over rewriting TSCA has started in Congress, the Administration of President Barack Obama has not yet weighed in on it. Jones said that even though EPA Administrator Lisa P. Jackson has expressed interest in reform of that law, she has not yet articulated how she wants the statute changed. But Jones said some insight into her position can be gained by the fact that she has hired two key advisers with deep connections in chemical policy.



Dooley



Jones

One is Jackson's senior policy adviser, Robert M. Sussman, who worked extensively on TSCA issues when representing industry as a private-practice attorney, Jones noted. Also, Sussman served as deputy administrator of EPA early in the Clinton Administration and advised Obama on environmental issues during the 2008 presidential campaign.

The other is Arvin Ganesan, EPA deputy assistant administrator for congressional

affairs. An overhaul of TSCA “is a big deal for him,” Jones said. Ganesan is a former environmental policy staffer for Sen. Frank R. Lautenberg (D-N.J.), a lawmaker who has pushed for TSCA reform in recent years through the proposed Kid-Safe Chemicals Act. That legislation, which has not yet gained traction in Congress, would require manufacturers to prove their chemicals are safe. In contrast, TSCA currently requires EPA to show that a substance is dangerous to public health or the environment before the agency can regulate it.

It isn't clear how Obama's choice to head the agency's program on TSCA, pesticides, and pollution prevention might view a re-write of the chemical control law, Jones said. That man is Stephen A. Owens, who was director of the Arizona Department of Environmental Quality from 2003 until this January. Owens faces Senate confirmation before he can assume his post.

In addition to mapping out a strategy on TSCA reform, Jones reported that Jackson is assessing and determining the future of a Bush Administration initiative on chemicals that is broadly supported by industry. Under the Chemical Assessment & Management Program, or ChAMP, the agency is evaluating thousands of industrial chemicals for their potential to harm human health and the environment.

Part of the data that EPA is using in those assessments comes from reports chemical manufacturers submitted to the agency in 2006. The initial use of these reports by EPA was to update the inventory of chemicals in commerce under TSCA. But because the reports contained chemical processing and use data, information from the reports was also incorporated into ChAMP assessments.

THE NEXT UPDATE to the TSCA inventory will take place in 2011, said Susan Sharkey, EPA program manager for the update. The data collected will also be used for ChAMP assessments that have not been completed by the time the agency gets this new information. EPA is considering changes to its regulation governing what information chemical makers have to provide and the form in which they will have to provide it. This is because in the 2006 update, the agency contended with a number of serious data-quality issues, she said, and wants to reduce those headaches in the future. Problems in the 2006 update included companies failing to supply required information, businesses giving the wrong Chemical Abstracts Service Registry number for their compounds, and transcription errors when EPA had to key in handwritten submissions.

EPA is weighing whether to require companies to submit TSCA inventory update reports electronically to the agency's secure central data repository, Sharkey said. The agency could then automate much of its data-quality review. For instance, it could determine if a submission contained all the information required, she said.

Companies also claimed a vast amount of the data they submitted as confidential business information in the 2006 reports to EPA, Sharkey noted. Some companies that deemed certain information as “not readily obtainable” also claimed these same data were trade secrets. Of these claims, Sharkey said, “The fact that you don't know something doesn't seem to be a confidential piece of information.”

Another EPA regulatory effort that chemical manufacturers should be aware of concerns nanomaterials, Jones said at the meeting. The agency initially asked makers of nanomaterials to provide any health and safety data they have on these products voluntarily, he said, but few companies responded (C&EN, Jan. 19, page 42). EPA is now planning to require manufacturers to submit the information. ■

The advertisement is set against a blue background with faint, overlapping text of various chemistry-related terms such as "Inorganic Chemistry", "Chemical Information and Modeling", "Journal of Chemical & Eng...", "Chemical Physics", "The Journal of Organic Chemistry", "Biomacromolecules", "Journal of Combinatorial Chemistry & High Throughput Screening", and "Chemical Biology".

At the top, the headline reads "More than chemistry." in large white font.

Below the headline, two journal covers are displayed. The left cover is for "BIOCHEMISTRY" (published since 1962), featuring a colorful molecular structure. The right cover is for "ACS Chemical Biology" (published since 2006), featuring a stylized yellow and purple graphic of a cell or molecule.

Text below the covers reads: "When it comes to biochemistry and chemical biology, ACS leads the way. Contribute, publish, and review with the journals of the American Chemical Society."

At the bottom, a banner says "JOIN THE ACS CYCLE OF EXCELLENCE" with the words "contribute | publish | review" below it. The ACS Publications logo is on the left, and the text "ACS PUBLICATIONS HIGH QUALITY. HIGH IMPACT." is on the right.