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## RECASTING THE U.S. CHEMICAL LAW

**TSCA REFORM:** Obama Administration calls for manufacturers to help pay for safety assessments

**F**OLDING TOGETHER ideas from the chemical industry and environmental, consumer, and health advocates, the Obama Administration last week unveiled its concepts for reforming the nation's chemical control law, the Toxic Substances Control Act.

Political momentum is building to rewrite TSCA. The Administration's principles will likely feed into legislation to overhaul TSCA that Congress could take up in coming months.

"The American people are looking to government for assurance that chemicals have been assessed using the best available science and that unacceptable risks haven't been ignored," EPA Administrator Lisa P. Jackson says. "Unfortunately, the current law doesn't allow us to grant them that assurance."

The Administration's concepts include a new idea: assessing fees on chemical makers to help pay for safety assessments of commercial compounds.

"Manufacturers would help support the costs associated with implementation" of safety assessments, an EPA spokeswoman tells C&EN. Details of the fee idea will be hashed out with Congress and stakeholders, she says, adding that EPA is already talking to industry about this.

"We're prepared to make a contribution," says Calvin M. Dooley, president and chief executive officer of the American Chemistry Council, a trade group of chemical manufacturers. ACC backs modernization of TSCA and the idea of safety assessments. Nonetheless, ACC is concerned about the amount of any new fees, Dooley adds.

Meanwhile, the Society of Chemical Manufacturers & Affiliates, a trade group of specialty and batch chemical makers, has questions about the proposed safety standard. SOCMA is "skeptical about how it will be accomplished, considering that other federal agencies have jurisdiction over determining safety," such as the Consumer Product Safety Commission, says William E. Allmond IV, a vice president of SOCMA.

Jackson is also calling for Congress to rewrite TSCA so her agency can more easily place restrictions on

or ban chemicals that aren't safe, a change that environmental and health groups are seeking. A major complaint from critics is that it is virtually impossible for EPA to ban or restrict a chemical under TSCA. After a federal court struck down the agency's TSCA ban on asbestos in 1991, EPA was left essentially without legal power to clamp down on high-risk substances.

"The agency is saying that it doesn't have enough authority to do its job," says Richard Denison, senior scientist with the Environmental Defense Fund, an activist group that has long sought TSCA reform.

Meanwhile, Jackson says a revamp of the law should require chemical manufacturers to provide EPA the toxicity data the agency needs to determine whether commercial substances are safe. Currently, TSCA requires the agency to possess evidence showing a chemical may pose a risk before EPA can begin a complicated regulatory process to require tests.

In addition, the Obama Administration wants changes to a TSCA provision that forbids EPA to share with anyone the information that chemical manufacturers provide to the agency and claim as trade secrets. Many calling for reform say EPA, at a minimum, should be able to share these data with state regulators and governments abroad (C&EN, March 9, page 24).

One key lawmaker is ready to incorporate the Administration's ideas into a bill. "I will introduce legislation soon to turn these new principles into law," says Sen. Frank R. Lautenberg (D-N.J.), who for years has pushed for TSCA reform.—CHERYL HOGUE



Jackson

**"The American people are looking to government for assurance that chemicals have been assessed using the best available science."**

—LISA P. JACKSON

### OBAMA ADMINISTRATION CONCEPTS FOR TSCA REFORM

1. Chemicals should be reviewed against risk-based safety standards based on sound science and be protective of human health and the environment.
2. Manufacturers should provide EPA with the necessary information to conclude that new and existing chemicals are safe and do not endanger public health or the environment.
3. EPA should have clear authority to take risk management actions when chemicals do not meet the safety standard, with flexibility to take into account sensitive subpopulations (such as children), costs, equity, and other relevant considerations.
4. Manufacturers and EPA should assess and act on priority chemicals, both existing and new, in a timely manner.
5. Green chemistry should be encouraged.
6. Provisions on public access to information about chemicals should be strengthened.
7. EPA should be given a sustained source of funding for implementation.