

1 COMMITTEE: Environment
2 POLICY: Federal Chemical Policy Reform
3 TYPE OF POLICY: Existing
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5 **Federal Chemical Policy Reform**
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7 The Toxic Substances Control Act (TSCA) of 1976 provides the US EPA with authority to
8 require reporting, record-keeping and safety testing of chemical substances and/or mixtures.
9 TSCA also gives EPA the power to restrict the use of chemicals. Certain substances are
10 generally excluded from TSCA, including food, drugs, cosmetics and pesticides.

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12 Since its enactment, increasing evidence linking toxic chemicals to adverse human health
13 effects has eroded the public's confidence in the safety of consumer products containing toxic
14 chemicals, prompting many state legislatures to act. In the absence of Federal action, states
15 have passed legislation to regulate individual chemicals. States have also begun to develop
16 comprehensive state chemical policies that aim to establish broad and permanent
17 frameworks to systematically prioritize chemicals of concern, close data gaps on those
18 chemicals and restrict their uses in those states. Appropriate modifications to federal law will
19 help enhance public confidence and the efforts of the state governments.

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21 Current federal chemical policy has not kept up with modern science. The science of testing
22 chemicals and understanding their health or environmental effects has improved considerably
23 since TSCA was enacted. NCSL believes TSCA should be updated to reflect the advances in
24 science and technology to better evaluate and regulate chemicals.

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26 TSCA's failures have caused the United States to fall behind our trading partners in the
27 quality of our public health and environmental standards, and these failures now threaten the
28 competitiveness of our manufactured products in a world market that increasingly demands
29 safer chemicals and products.
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31 Modernizing TSCA can help assure that we protect the nation's interest in a strong American
32 business of chemistry – and assure that the United States produces products that save lives,
33 protect our children, make our economy more energy efficient, and reduce greenhouse gas
34 emissions.

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36 NCSL encourages Congress to reform and modernize TSCA. At a minimum, NCSL believes
37 proposed TSCA reform legislation should embody these policy elements:

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39 **Act on the Harmful Chemicals First and Promote Safer Alternatives**

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41 Persistent, bioaccumulative and toxic chemicals (PBTs) are uniquely dangerous and should
42 be phased out of commerce except for critical uses that lack viable alternatives. Exposure to
43 other toxic chemicals, like formaldehyde, that have already been extensively studied should
44 be reduced to the maximum extent feasible. Green chemistry research should be expanded,
45 and safer chemicals favored over those with known health hazards.

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47 **Ensure Broad Access to Mandatory Safety Data on All Chemicals**

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49 Chemical manufacturers should bear the burden of proof of safety of their products, and
50 should be required to provide full information on the health hazards associated with their
51 chemicals, how they are used, and the ways that the public or workers could be exposed.
52 The public, workers, and businesses should have full access to such information.

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54 **Ensure Environmental Justice**

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56 Effective reform should contribute substantially to reducing the disproportionate burden of
57 toxic chemical exposure placed on low-income people, people of color and indigenous
58 communities.

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60 **Protect All People, and Vulnerable Groups, Using the Best Science**

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62 All chemicals should be assessed against a health standard that protects all people and the
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63 environment, especially the most vulnerable subpopulations, including children, workers, and
64 pregnant women. EPA should adopt the recommendations of the National Academy of
65 Sciences for reforming risk assessment. Biomonitoring by the Centers for Disease Control
66 and Prevention should be significantly expanded and used by EPA to assess pollution in
67 people.

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69 **States Rights**

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71 State governments play a critical role in environmental regulation. For nearly all federal
72 environmental statutes, there are provisions to extend the reach of the federal government by
73 delegation of program authority and/or provision of federal grants to support state
74 implementation of environmental requirements in lieu of or in addition to the federal
75 requirements. Any reform of TSCA should preserve state rights to manage chemicals, and
76 resources should be provided for state level implementation.

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