



TSCA UPDATE CHEMICAL SAFETY BILL SIGNED

A new law - actually, a series of Toxic Substance Control Act (TSCA) amendments - pays tribute to Frank R. Lautenberg and it is called Chemical Safety for the 21st Century Act.

It passed overwhelmingly, though industry representatives view it as too harsh. Environmental and public health groups say it is too lax.

Why was it so important to update the original Toxic Substance Control Act, or TSCA?

TSCA was a very important development in the 1970s. It was really landmark in its concept, but unfortunately hamstrung in its implementation. Under TSCA, The national Toxicological Program conducted many studies of many chemicals to assess their carcinogenicity. But the other aspect, which included EPA's promised role in evaluating existing chemicals and new chemicals, simply couldn't materialize. There were too many restrictions with regard to what EPA could actually accomplish - for example, banning chemicals that were considered hazardous.

Everybody seemed to agree that it wasn't an effective law. All the other 1970s environmental laws had been amended or addressed except for TSCA.

What are some of the most important things the new legislation achieves?

The amendments free up EPA to do many of the things that were promised. It also imposes on EPA the requirement to identify susceptible populations and to make sure that they are protected. That would be children, pregnant women, the elderly and workers. The workers were the particularly novel component that I was surprised to find in the bill. It requires EPA to identify high-priority chemicals and to evaluate their hazards. And, in some cases, to evaluate particular uses of a chemical. So EPA might ban a chemical for one application, while allowing it for another.

Also, the amendment sets up a fund that industry has to pay into to actually fund this function of the EPA. There was no such funding under the original TSCA. This is a major change. I think it will certainly protect this part of EPA's responsibility.

What are the biggest failures of the new legislation?

One of its most controversial provisions is that states are more restrictive or protective than the federal government might have their actions on hold while the EPA is in the process of evaluating a high priority chemical. They cannot take any new action on a chemical once EPA has said that it is going to list it as a high priority chemical and evaluate it. It's a preemption issue. But although that was very controversial, in reality it doesn't amount to much because EPA can only designate a few chemicals as high priority at one time.

Ultimately, will Americans be safer because of this act?

In the long run, I think the answer is yes. If it's well-publicized and manufacturers or importers know

that people will be watching, then I think there will be less opportunity for importing dangerous pesticide residues, or adding certain compounds to paints or plastics. Some things are not covered: Cosmetics are not included because they are covered by the U.S. Food and Drug Administration. But from a toxic chemical perspective, they could still be important.

Based on an Interview of
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