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Special Issue: Chemicals Policy

Dear Greenlist Subscriber,

We hope you enjoy our special issue with the latest information on domestic and international chemicals policy topics.

Best,
Mary

The Frank R. Lautenberg Chemical Safety for the 21st Century Act

[Source: U.S. Environmental Protection Agency, August 15, 2016](#)

On June 22, 2016, President Obama signed into law the Frank R. Lautenberg Chemical Safety for the 21st Century Act which amends the Toxic Substances Control Act (TSCA), the Nation's primary chemicals management law.

The new law, which received bipartisan support in both the U.S. House of Representatives and the Senate, includes much needed improvements such as:

- Mandatory requirement for EPA to evaluate existing chemicals with clear and enforceable deadlines;
- New risk-based safety standard;
- Increased public transparency for chemical

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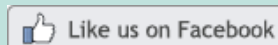
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- information; and
- Consistent source of funding for EPA to carry out the responsibilities under the new law.

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See a [full text copy](#) of the Frank R. Lautenberg Chemical Safety for the 21st Century Act. Also see the [first year implementation plan](#) for the Act.

TURI's Note: See our [fact sheet](#) on state preemption provisions in the updated TSCA.

10 Things You Need To Know About The New U.S. Chemicals Law

Source: [Ensia, August 29, 2016](#)

Author: Elizabeth Grossman

August 29, 2016 -- "This is a big deal," said President Barack Obama as he signed into law the bill that updates -- for the first time in 40 years -- the nation's main chemical safety legislation. Called the Frank R. Lautenberg Chemical Safety for the 21st Century Act to honor the late senator for whom this was a special cause, the law revises the Toxic Substances Control Act that gives the U.S. Environmental Protection Agency authority to regulate chemicals used commercially in the United States.

As Obama noted at the June 22 signing ceremony, TSCA was supposed to ensure that chemicals used in the U.S. were safe for human health and the environment. But, said the president, "Even with the best of intentions, the law didn't quite work the way it should have in practice."

In fact, TSCA allowed the approximately 62,000 chemicals already on the market when it was passed in 1976 to continue being used without safety testing. It also placed enormously high hurdles for the EPA to clear before demonstrating a chemical was hazardous enough to ban. Even asbestos has failed to meet those requirements. It was widely agreed, by industry and environmental advocates alike that TSCA was badly in need of revision.

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Public Access to EPA's New Chemical Decisions Welcomed

Source: [Bloomberg BNA - Chemical Regulation Reporter, August 19, 2016](#)

Author: Pat Rizzuto

Aug. 18 -- The Environmental Protection Agency's Web page that posts its new chemical risk conclusions provides the public some safety assurance, a chemical manufacturer said.

"EPA's posting of its premanufacture notice determinations provides more transparency for the public. This is a good step forward for transparency and providing more information about the safety of materials that are destined for products," Genet Garamendi, senior vice president for corporate communications, sustainability and government relations at Solazyme Inc., told *Bloomberg BNA* by e-mail.

The agency reviewed two chemicals Solazyme designed for use as lubricants, lubricant ingredients or to make other chemicals, finding that the two chemicals were "not likely to present an unreasonable risk."

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See from *Bloomberg BNA - Chemical Regulation Reporter*, "[Three New Chemicals Can Enter Market: EPA](#)" and from Environmental Defense Fund, "[EPA issues first decisions mandated under the new TSCA](#)".

Advocacy begins for first substance reviews under new TSCA

Source: *Chemical Watch*, July 27, 2016

Author: Kelly Franklin

Stakeholders have begun to weigh in on which substances should be the first to undergo risk evaluation under the newly reformed TSCA, and say they will be an early test of the EPA's new authorities.

Under the recently modernised law, the agency must identify ten substances from its existing list of workplan chemicals and formally initiate a risk evaluation of these, within 180 days of enactment -- that is, by 22 December.

The scope of those risk evaluations must then be set out, within the following six months.

[Read more...](#)

See from Environmental Working Group, "[EWG Lists The Top 10 Toxic Chemicals EPA Should Review Now](#)".

Also see from *Environmental Leader*, "[Will Updated Toxic Substances Control Act Regulate Asbestos?](#)", and from *Bloomberg BNA - Chemical Regulation Reporter*, "[Boxer Pushes EPA to Review Asbestos Under New Chemicals Law](#)".

Brexit vote raises legal questions

Source: *Chemical Watch*, June 24, 2016

Author: Geraint Roberts

The result of yesterday's UK referendum in favour of leaving the EU raises important questions about how UK-based companies' obligations under REACH will change, say law firms and consultancies.

Unless the UK decides unilaterally, and in breach of its obligation under the EU Treaty, to no longer be subject to existing EU Regulation, said Jean-Philippe Montfort of law firm Mayer Brown, REACH will continue to apply in the UK until it has left the EU. Once the UK government invokes these proceedings, the negotiations must be completed within two years.

But there may also be transition periods after this, said Mr. Montfort, applying to a range of EU legislation applicable in the UK, including REACH. And the post-Brexit status of the UK "may well be such that it will retain application of some EU legislation, such as REACH, as REACH is currently also applicable in the European Economic Area" [comprising all the EU member states plus Iceland, Lichtenstein and Norway]. "So, in principle, Brexit should not affect the REACH 2018 deadline."

[Read more...](#)

See from Burges Salmon, "[REACH, chemicals regulation and the referendum vote](#)" and from businessGreen.com, "[Poll: UK public backs EU rules for nature protection](#)".

List of harmonised classifications updated

Source: European Chemicals Agency, August 17, 2016

Helsinki, 17 August 2016 -- The amendment (the ninth adaptation to technical progress) introduces or updates the harmonised classifications for 47 substances in the list of harmonised classification (Annex VI to the CLP Regulation). Two entries have been deleted, the existing classifications for bisphenol A, among others, have been revised, and classifications for eight anticoagulant rodenticide active substances have been updated or introduced.

In total, new harmonised classifications have been assigned to 26 substances or groups of substances that have not been previously classified, such as lead in massive or powder form. These changes shall apply by 1 March 2018, but they can be applied before this date on a voluntary basis.

Companies have to comply with the new requirements from 1 March 2018 onwards. This means also that existing classifications and REACH registrations should be updated with the new information by this date.

[Read more...](#)

See the ninth adaptation to technical progress [here](#).

FDA agrees to reconsider safety of ortho-phthalates

Source: Environmental Defense Fund, April 13, 2016

Author: Tom Neltner

Yesterday, the Food and Drug Administration (FDA) agreed to consider withdrawing its approvals of 30 food additives known as ortho-phthalates from use in food packaging and food handling equipment. The chemicals are in a class of chemically- and pharmacologically-related substances used as plasticizers, binders, coating agents, defoamers, gasket closures, and slimicide agents to process and package food. The agency allows them to be used in cellophane, paper, paperboard, and plastics that come in contact with food. All of the chemicals were approved by the agency before 1985. Pursuant to 21 U.S.C. 321(s), chemicals that are reasonably expected to get into food from their intentional use in materials contacting food are considered "food additives."

FDA acted in response to a food additive petition submitted by the Natural Resources Defense Council, Center for Science in the Public Interest, Center for Environmental Health, Center for Food Safety, Clean Water Action, Consumer Federation of America, Earthjustice, Environmental Defense Fund, Improving Kids' Environment, and Learning Disabilities Association of America -- groups all concerned by the adverse health effects of ortho-phthalates at the levels typically seen in food.

Academic studies have linked some of these chemicals to various reproductive, developmental and endocrine health problems. In fact, every ortho-phthalate that has been studied for these types of health effects has been found to pose a risk. From lower IQ in young children to malformation of the male genital tract, the evidence of health effects in humans continues to grow. But, with more than half of the 30 chemicals lacking any published safety data, the full extent of the threat remains unclear.

Several reports have found numerous ortho-phthalates in everyday food. While these chemicals are used in many consumer products other than food, the primary source of exposure appears to be food, presumably from their FDA-approved use in food packaging and handling equipment.

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See the U.S. FDA page on [Phthalates in cosmetics](#). Also see the U.S. Consumer Product Safety Commission page on [Phthalates](#).

Also see the March 18, 2016 [Food Additive Petition regarding 30 ortho-phthalates submitted to FDA pursuant to 21 USC § 348](#). The comment period on the petition has been [extended to September 19, 2016](#).

California Kids Have Higher Levels Of Flame Retardant Chemicals In Bodies Than East Coasters

Source: [CBS SF Bay Area, July 11, 2016](#)

Author: Julie Watts

(KPIX 5) -- Just weeks after congress passed a law giving the Environmental Protection Agency more power to ban harmful chemicals, a new study demonstrates just how much chemical regulations can impact the health of our nation's youth.

From couch cushions, to baby products, to kids' pajamas, chemical flame retardants are widely used in consumer goods. As a result, the average American infant has the highest recorded levels of these chemicals in their body. However, a peer-reviewed biomonitoring study by the Environmental Working Group found that government regulations can increase those "potentially harmful exposures."

EWG found that children in California have twice the levels of concerning flame retardants in their bodies as kids on the East Coast. The study, published in *Environment International* today, links the increased levels in California kids to a recently-revised California flammability regulation that for decades led to added flame retardants in products sold in the state.

[Read more...](#)

See article from Environmental Working Group, "[California Policy Linked to Higher Flame Retardant Exposures: Full Report](#)".

See study in *Environment International*, "[Regional comparison of organophosphate flame retardant \(PFR\) urinary metabolites and tetrabromobenzoic acid \(TBBA\) in mother-toddler pairs from California and New Jersey](#)".

Also see study in *Environmental Science and Technology*, "[Metabolites of Organophosphate Flame Retardants and 2-Ethylhexyl Tetrabromobenzoate in Urine from Paired Mothers and Toddlers](#)".

See from the Boston Fire Department, "[Regulation of Upholstered Furniture: BFD IX-10](#)" and from Silent Spring Institute, "[Boston changes fire code to allow furniture free of flame retardants in public spaces](#)".

Also see a fact sheet from the Natural Resources Defense Council (NRDC), "[New Labels Expose Toxic Couch Chemicals](#)", and from Washington Toxics Coalition, "[Toxic Flame Retardants Are Still Hiding In Plain Sight In Home Furniture](#)".

Proposed prioritization approach for nanoscale forms of substances on the Domestic substances list

Source: [Environment and Climate Change Canada, July 27, 2016](#)

The [Chemicals Management Plan] (CMP) is a comprehensive Government of Canada initiative aimed at reducing the risks posed by substances to Canadians and their

environment. The plan includes measures to assess and manage new and existing substances, integrate government activities involving different laws governing chemicals, provide government accountability and support industry's role in proactively identifying and safely managing the substances they produce and use.

Since its launch in 2006, the first two phases of the CMP have made significant progress in addressing over 2,700 existing substances, as well as assessing some additional 4,500 notifications for new substances prior to their introduction into the Canadian market. The third phase of the CMP will focus on addressing the remaining substances on the [Domestic Substances List] (DSL) (approximately 1,550) as well as the nanoscale forms of some existing substances, and will pursue actions required to manage some substances assessed under the first two phases. For more information on the CMP, please visit the Chemical Substances website.

The government of Canada plans to build on the successes and lessons learned from the first 2 phases of the CMP in incorporating an approach to prioritize nanomaterials on the DSL for risk assessment.

[Read more...](#)

See the Consultation Document, "[Proposed Approach to Address Nanoscale Forms of Substances on the Domestic Substances List](#)".

Also see from U.S. Environmental Protection Agency, "[Control of Nanoscale Materials under the Toxic Substances Control Act](#)", and from Bergeson and Campbell PC, "[TSCA: EPA Opens Docket for Proposed TSCA Section 8\(a\) Rule for Nanomaterials](#)".

U.S. State Chemicals Policy Database

[Source: Interstate Chemicals Clearinghouse, 2014](#)

The database can be searched by state, region, status (e.g., enacted, proposed, and failed), policy category (e.g., pollution prevention, single-chemical restriction), chemical, and product type (e.g., children's products, cleaning products). ...

While the database is fairly extensive, there are many gaps -- especially for pre-2007 proposed legislation. The database is not meant to be a comprehensive guide to legislation and regulations in a given state. For a comprehensive source of state laws and regulations, always consult the relevant state authorities.

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NC State research reveals severe lack of personal care product regulation

[Source: Technician, August 22, 2016](#)

Author: Carolyn Thomson

Personal care products from face washes and perfumes to lotions and deodorant become part of nearly automatic routines, but with the lack of cosmetic/personal care product regulation in the U.S., these products could potentially cause unwanted effects on the body.

Heather Patisaul, an associate professor of biology at NC State, studies substances known as endocrine disruptors as part of her work and research.

Endocrine disruptors are chemicals that can interfere with the body's endocrine system (hormones) and cause developmental, neurological and reproductive issues.

Patisaul's lab studies the ways in which endocrine disruptors can affect brain development, especially areas of the brain that are sexually dimorphic, or areas of the brain that control different functions for sexes.

These chemicals can be found in cosmetics, which are classified as anything applied to the human body for cleansing, beautifying, promoting attractiveness or altering one's appearance. This is not the case everywhere. The European Union has cosmetics legislation that requires that all products marketed in the EU must first be registered in the Cosmetic Products Notification Portal (CPNP) before being placed on the market.

[Read more...](#)

See a page with information on EU's [cosmetics regulation and related resources](#).

Also see link for the [California Safe Cosmetics Program Product Database](#).

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