



EPA

United States
Environmental Protection
Agency

TSCA Reform and EPA's Enhanced Chemical Management Program

Brian Symmes

November 3, 2010

Office of Pollution Prevention and Toxics

TSCA Reform

- On September 29, 2009, EPA Administrator Jackson announced plan to enhance EPA's chemical management program that included the release of a set of Administration principles on TSCA reform.
- On April 15, 2010, Sen. Lautenberg introduced the "Safe Chemicals Act of 2010."
- On July 22, 2010, Congressmen Waxman and Rush introduced the "Toxic Chemicals Safety Act of 2010."



Administrator Lisa Jackson

Challenges for TSCA Reform

- No mandatory program to determine the safety of existing chemicals.
- Difficult legal and procedural hurdles to limit or ban chemicals
- Significant hurdles to request the generation and submission of health and environmental effects data
- Confidential Business Information claims limit access to information by the public & other governments

CONFIDENTIAL



Six Principles for TSCA Reform

Principle 1

Chemicals Should Be Reviewed Against Safety Standards That Are Based on Sound Science and Reflect Risk-based Criteria Protective of Human Health and the Environment.

Current TSCA:

No mandatory review to determine the safety of existing chemicals

Reformed TSCA:

All chemicals on the market reviewed to determine safety

Principle 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.

Current TSCA:

Only data already available required from manufacturers for new chemicals – no data requirements for existing chemicals – additional information collected only through lengthy rulemaking.

Reformed TSCA:

Manufacturers required to submit vital data on all chemicals in commerce – EPA given clear authority to quickly require submission of any other necessary data

Principle 3

Risk Management Decisions Should Take into Account Sensitive Subpopulations, Cost, Availability of Substitutes and Other Relevant Considerations

Current TSCA:

Obstacles to quick and effective regulatory action to limit or ban chemicals found to cause risks

Reformed TSCA:

Clear authority to take risk management actions when chemicals do not meet the safety standard

Principle 4

Manufacturers and EPA Should Assess and Act on Priority Chemicals, Both Existing and New, in a Timely Manner

Current TSCA:

Review of chemicals are hindered by weak requirements and procedural hurdles. No requirement to review old chemicals

Reformed TSCA:

Clear, enforceable and practicable deadlines set for completion of chemical reviews, in particular those impacting sensitive sub-populations

Principle 5

Green Chemistry Should Be Encouraged and Provisions Assuring Transparency and Public Access to Information Should Be Strengthened

Current TSCA:

Green chemistry efforts not mandated—substantial amounts of important information claimed as confidential or not available to the public

Reformed TSCA:

Green chemistry explicitly encouraged and confidentiality claims substantially limited— more and improved information available to the public

Principle 6

EPA Should Be Given a Sustained Source of Funding for Implementation

Current TSCA:

Manufacturers pay nominal fees for review of new chemicals but fees do not directly support EPA's work

Reformed TSCA:

Fees assessed to cover the costs of reviewing chemicals—directly supporting the work necessary to ensure the safety of chemicals

Enhancing Current Program

- While legislative reform is under way, EPA is using existing law to greatest extent possible.
- Comprehensive effort includes:
 - New regulatory risk management actions
 - Development of chemical Action Plans which will focus risk management efforts on chemicals of concern.
 - Requiring industry to submit information needed to understand chemical risks.
 - Increasing public access to information about chemicals.



Key Risk Management Activities

- Range of risk management activities outlined in action plans:
 - TSCA test rules and significant new use rules
 - New TRI reporting
 - DfE and Green Chemistry approaches for alternatives assessment
 - Sect. 5(b)(4) Chemicals of Concern list
 - Section 6 actions to ban or limit uses



Action Plans

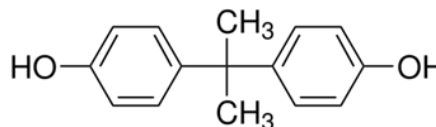
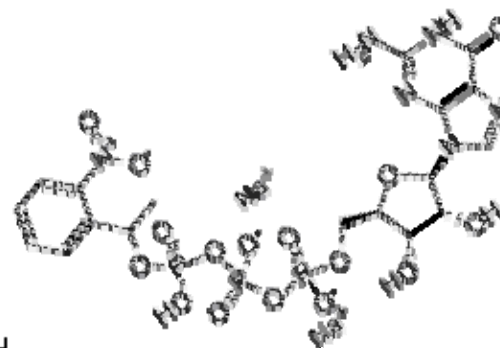
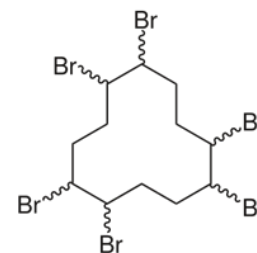
- On Sept. 29, 2009, Adm. Jackson announced a plan to enhance EPA's chemical management program, which included the development of chemical action plans, as well as releasing Administration principles on TSCA Reform.

- Eight Action Plans Released to date:

- Eight phthalates – 12/30/09
- Penta, octa, and decaBDE – 12/30/09
- Hundreds of perfluorinated chemicals – 12/30/09
- Range of short-chain chlorinated paraffins – 12/30/09
- BPA – 3/29/10
- 48 benzidine dyes – 8/18/10
- Hexabromocyclododecane (HBCD) – 8/18/10
- Range of NP/NPE mixtures – 8/18/10

- Under development:

- Diisocyanates
- Siloxanes



Additional Risk Management Activities

- **Inventory Update Rule (IUR)**
 - On 8/13, EPA proposed modifications for IUR reporting cycle to increase utility of data, public access to the info, and new/updated exposure information. Next reporting in 2012.
- **High Production Volume (HPV) Test Rules**
 - Finalizing test rules/ Significant New Use Rules (SNUR)s to capture most remaining HPV chemicals
- **Formaldehyde**
 - Developing implementing regulations for the new Formaldehyde Standards for Composite Wood Products Act

Additional Risk Management Activities

Nanoscale Materials

- Chemical substances as defined by TSCA
- More than 100 new chemical notices for NMs have been received since 2005
- The Agency has taken a number of actions to control and limit exposures to these NMs including:
 - limiting the uses of the nanoscale materials,
 - requiring the use of personal protective equipment, such as impervious gloves and NIOSH approved respirators,
 - limiting environmental releases, and
 - requiring testing to generate health and environmental effects data.

Additional Risk Management Activities

Nanoscale Materials

- OPPT conducted a voluntary reporting program for nanoscale materials based on existing chemicals
- As a follow-up to the voluntary program EPA is developing the following proposed actions under TSCA.
 - SNUR to require reporting of new nanoscale materials that are existing chemicals
 - Section 4 rule to require testing of certain nanoscale materials
 - Section 8(a) rule to require reporting of available use, production volume, exposure, and toxicity data for existing nanoscale materials

Increasing Transparency

- **Current Efforts:**

- Addition of 530 chemicals on public version of TSCA Inventory – 8/09
- New policy for review of CBI chemical identity claims for notices of substantial risks – 1/10
- Free access to consolidated Inventory – EPA and Data.Gov websites – 3/10
- Integrated TSCA facility and chemical information into Envirofacts – 5/10
- New policy for review of CBI chemical identity claims for all health and safety studies – 6/10
- AA letter to industry trade associations (6/10) and 32 companies (8/10) urging release of unwarranted CBI claims
- Proposed IUR modifications (8/10) for 2012 reporting



Resources

- TSCA and EPA's Enhanced Chemical Management Program: <http://www.epa.gov/opptintr/>