



***Pass the Frank R. Lautenberg Chemical Safety for the 21st Century Act*
to Protect the Health of American Families***

UPDATED April 29, 2015

THE PROBLEM: UNTESTED AND UNSAFE CHEMICALS THAT THREATEN OUR HEALTH

Americans are exposed to thousands of chemicals every day, and only a small fraction have ever been adequately tested for safety. Our primary chemical safety law, the 1976 Toxic Substances Control Act (TSCA), hasn't been updated for almost 40 years. The law is so badly broken that EPA is powerless to restrict even known deadly carcinogens such as asbestos, which kills 10,000 Americans every year.

- *Our health is at risk.* Science has linked common chemicals to cancer, infertility, diabetes and Parkinson's and other illnesses. Pregnant women, infants, and children remain especially vulnerable: many babies are born with hundreds of chemicals already in their bodies.
- *The current law is broken.* Only a small fraction of the chemicals in cleaning products, clothing, furniture, and most other products have ever been reviewed for safety. Our government lacks the ability to regulate even known dangers such as lead and formaldehyde. And the current patchwork of state regulations covers only a small number of chemicals.
- *The current law is outdated.* It hasn't kept pace with science and the greatly expanded use of chemicals. Most other developed countries have modernized their chemical safety laws, but the U.S. has fallen behind.
- *For more than a decade, Congress—under both Democratic and Republican control—has failed to pass chemical safety reform.* American families can't afford to wait any longer.

THE SOLUTION: THE FRANK R. LAUTENBERG CHEMICAL SAFETY FOR THE 21ST CENTURY ACT

Congress has the best chance in a generation to protect our health by bringing our nation's main chemical safety law into the 21st century. After years of debate and inaction, a bipartisan group of Senators has introduced legislation – the Frank R. Lautenberg Chemical Safety for the 21st Century Act (S. 697) – that fixes the biggest problems with our current law. Rare political circumstances have opened a narrow window to pass meaningful reform that protects the health of American families.

- *All parties agree we need a new law.* Our broken law doesn't work for anyone: not for the public, for consumers or for business. After years of denial, many companies are now willing to accept more regulation to secure a predictable system that restores consumer confidence in the safety of their products.

* Based on the bill as reported out by the Senate Environment and Public Works Committee on April 28, 2015

- *The problem requires a federal solution.* With tens of thousands of chemicals in use today, the problem is much too big for individual consumers, product companies, retailers or states to handle on their own. We need a robust national program, rather than the current piecemeal approach that leaves many without any protections whatsoever.
- *Congress can get this done.* This legislation is built on a bill introduced by the late Sen. Frank Lautenberg and Sen. David Vitter in 2013. Since its introduction, negotiations led by Sen. Tom Udall and Sen. Vitter have yielded a much-improved bill that represents a major advance over current law and enjoys the strong bipartisan support needed to actually become law.

THE FRANK R. LAUTENBERG CHEMICAL SAFETY FOR THE 21ST CENTURY ACT (S. 697)

The bill would update the current law and give EPA the tools necessary to ensure the safety of chemicals and significantly strengthen health protections for American families. Notably, the bill:

- **Mandates safety reviews for all chemicals** in active commerce.
- **Requires a safety finding for new chemicals** before they can enter the market.
- Replaces TSCA's burdensome safety standard—which prevented EPA from banning asbestos—with a **pure, health-based safety standard**.
- **Explicitly requires protection of vulnerable** populations like children and pregnant women.
- Gives EPA **enhanced authority to require testing** of both new and existing chemicals.
- **Sets aggressive, judicially enforceable deadlines for EPA decisions.**
- **Makes more information about chemicals available**, by limiting companies' ability to claim information as confidential, and by giving states and health and environmental professionals access to confidential information they need to do their jobs.

Nearly two years of negotiations have yielded other key recent improvements over earlier drafts, in addition to those listed above, including:

- Narrows the extent of preemption of state authority:
 - All state actions taken before August 1, 2015 remain intact, regardless of subsequent EPA actions.
 - After enactment, states can act to restrict a chemical until and unless EPA takes up that same chemical and addresses the same uses.
 - State actions that do not restrict a chemical's production, distribution or use (e.g., reporting or disclosure requirements), or are taken to address a different problem (e.g., climate change), are never preempted.
 - Preemption is no longer triggered by EPA's designation of a chemical as "low-priority."
 - States' authority to co-enforce federal requirements has been restored.
- Allows anyone to judicially challenge an EPA decision to designate a chemical as low-priority.
- In regulating persistent and bioaccumulative chemicals, EPA is to choose restrictions that reduce exposure to the maximum extent practicable.
- Requires companies to pay fees to ensure that EPA has adequate resources to carry out its responsibilities.
- Increases the number of high-priority chemicals undergoing reviews from the initial designation of at least 10 chemicals to a minimum of 20 within 3 years, and 25 within 5 years, after enactment.
- Establishes an interagency Sustainable Chemistry Program.