



## **Toxic Substances Control Act**

### *Legislative Brief*

There is significant disagreement among industry representatives, environmental groups, consumer organizations and others as to whether the Toxic Substances Control Act, which was passed into law in 1976, has adequately protected the public from the threat of toxic chemicals in the products they buy. There is, however, little disagreement that the Act provides insufficient protection given the advances in the ability of science to detect and understand the impact chemicals have on the human body and the environment.

Moreover, there is broad recognition that some population groups – mainly children – have a heightened vulnerability and therefore deserve greater consideration when manufacturers and regulators evaluate chemical products for introduction into the marketplace.

Due to federal inaction, and concerns that have been raised about specific chemicals, many state legislatures (and, in some cases, local governments) are acting to limit the use of certain chemicals or creating broader regulations that would apply within their borders. What this is leading to is a patchwork of consumer protection laws – some strong, some not so strong – that will lead to a degree of confusion at minimum.

In recognition of this, some leaders in both the House and Senate have begun working toward a change in federal law that will update or even replace the Toxic Substances Control Act. For example, this fall Senator Frank Lautenberg is expected to reintroduce a bill he previously called the Kid Safe Chemicals Act. Initially introduced in May 2008, the Kid Safe Chemicals Act would require more data from industry about chemical safety, more chemical testing, increased authority for the EPA to restrict uses of certain chemicals and more public education.

While many viewed the version of the bill introduced in 2008 as a good start, a number of stakeholders identified multiple shortcomings in the bill. It did not emerge from committee.

It is believed that Senator Lautenberg's update version of the Act will address a number of the flaws identified by environmentalists, industry, consumer groups and others. It is also believed that the 2009 version of the Kid Safe Chemicals Act (or whatever it is ultimately named) will be the opening gambit in a broader legislative effort to revise, reform or replace the existing Toxic Substances Control Act.

Industry, under the auspices of the American Chemistry Council, recently released ten principles that it views as a guide to overall legislative reform. Environmental groups have been pushing their principals for reform. What is interesting is that the differences between the two are not as significant as one might imagine.

That's where the Coalition for Chemical Safety steps in. As an organization that counts industry, environmentalists, consumers and workers among its targeted members, the Coalition for Chemical Safety is being established as an advocacy organization to give voice to mainstream concerns about this important law.

We recognize that current law does not sufficiently empower the EPA to provide for greater consumer safety. Chemicals to which humans are most significantly exposed and those that pose the greatest potential threat should be atop the list of priority for testing – and those chemicals that are not determined safe for the uses they are being marketed for should have those uses restricted or – if it is clear that they are not safe at all – the EPA should have the power to ban them permanently.

However, the Coalition also recognizes that industry is a vital partner in this effort. Industry has a self-interest in manufacturing safe chemicals. Furthermore, as our economy shifts toward a more environmentally sustainable model, industry will play an increasingly important role. Chemical products are required in the batteries that will replace the gas tanks in our cars. Chemical products make solar cells operate. Chemical products are part and parcel of the new green American economy.

The industry is also a significant American employer. Tens of thousands of American families own homes, send their kids to school and pay taxes either directly or indirectly as a result of employment in this industry.

While federal law must be toughened, and while consumer safety must always be the highest priority, the law must also recognize, respect and incentivize industry to continue making a vital contribution to our economy.

The Coalition for Chemical Safety is an advocacy organization built around this balanced view. Safety. Innovation. Jobs. These are concepts that should be at the core of chemical safety reform and the Coalitions exists to fight for them.