

FACT SHEET

THE EPA MUST FINALIZE RULES TO ACT ON DANGEROUS CHEMICALS



The Toxic Substances Control Act (TSCA), passed in 1976, is the federal law that regulates thousands of chemicals in commerce:

Consumer product chemicals: used in every day items like furniture, carpets, baby products, clothes, electronics and cleaning supplies;

Commercial chemicals: used in businesses such as hotels and dry cleaners; and

Industrial chemicals: used in building materials, manufacturing and other kinds of factories.

In June 2016, Congress passed bi-partisan revisions to TSCA, which potentially improved the outdated and ineffective original law. However, the implementation process rests with the U.S. Environmental Protection Agency (EPA), and is vulnerable to political and chemical industry pressures.

A November 30, 2016, letter from senators, including James Inhofe (R-OK) and Tom Udall (D-NM), urged the new Administration to “ensure the new law is successful,” by supporting the EPA in vigorous and expeditious implementation.

Congress has directed the EPA to finalize rules for selecting (*Prioritization Process Rule*) and assessing (*Risk Evaluation Process Rule*) chemicals for safety by June 22, 2017. The EPA needs to define these “ground rules” before it can take action to protect children and communities from dangerous chemicals.

THE PRIORITIZATION PROCESS RULE

- Codifies the general process by which the EPA designates chemicals as either “high- priority” or “low-priority.”
- High-priority chemicals will move forward into the risk evaluation process, low-priority chemicals will not.

THE RISK EVALUATION PROCESS RULE

- Codifies the general process for the EPA’s chemical assessments, including peer review and opportunities for public comment.
- The EPA will assess a chemical’s hazards and exposures, especially to vulnerable populations like infants, pregnant women, and workers. The EPA will determine whether the chemical poses an unreasonable risk of injury to human health or the environment.

CENTRAL ISSUES FOR BOTH RULES

1. Comprehensive evaluations from cradle to grave.

The revised TSCA requires a comprehensive look at all the uses of a chemical, spanning its entire lifecycle: manufacturing, processing, use, and recycling/ disposal.

2. Chemical exposures add up and may have greater impacts on vulnerable populations like children.

The revised TSCA directs the EPA to account for the fact that people can come into contact with a chemical in many different ways (e.g., through air, water, and

product use). Together, these exposures create greater risk of harm. The revised TSCA also directs the EPA to protect the most vulnerable—such as young children—from the totality of these *aggregate exposures*.

3. Technical approaches/methodology should not be ‘set in stone’ in these rules. The regulated industry—which includes chemical manufacturers—is advocating to codify the details of the scientific/technical methodologies for prioritization and risk evaluation. However, such details are best left to guidance or other policy documents, which can more easily be updated to reflect the latest science.

