

US EPA ARCHIVE DOCUMENT

# New Framework for Chemical Management Reform

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## Improving EPA's Chemical Management Program

- Upon arrival at the Agency, EPA Administrator Lisa Jackson identified the need to improve the assessment and management of toxic chemicals as one of her top priorities. Effort includes:
  - Support for legislative reform
  - Enhanced chemical management program, using current authorities, including TSCA ban and phase out provisions, as appropriate.

# Challenges in Implementing TSCA

- No mandatory program to determine the safety of existing chemicals.
- Difficult legal and procedural hurdles to limit or ban chemicals
  - EPA has only attempted six ban actions under TSCA.
- Significant hurdles to request the generation and submission of health and environmental effects data
- Limited ability to provide public with information on production and risk because of Confidential Business Information claims
- Interpreted to encourage deferral of regulation to other statutes

## Growing Consensus for Legislative Reform

- Growing consensus among a wide array of stakeholders that TSCA has not lived up to its full potential and that the time has come for legislative reform.
- Chemical Management programs in the EU, Canada, and increasingly in the States, are further evidence of the need for legislative reform.

## Legislative Reform

- On September 29, EPA Administrator Lisa Jackson released a set of essential principles for reform of this country's chemical management legislation.
  - The Principles are designed to help inform efforts already underway in Congress to reauthorize TSCA.
- Overarching purpose of reform is to restore the public's confidence that the chemicals produced and used in this country are safe.

## Essential Principles for Reform of Chemicals Management Legislation

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

## Essential Principles for Reform of Chemicals Management Legislation

4. Manufacturers and EPA Should Assess and Act on Priority Chemicals, Both Existing and New, in a Timely Manner.
5. Green Chemistry Should Be Encouraged and Provisions Assuring Transparency and Public Access to Information Should Be Strengthened.
6. EPA Should Be Given a Sustained Source of Funding for Implementation.



# Enhanced Chemical Management Program

- In parallel with announcement on legislative principals, Administrator Jackson also announced that EPA is initiating a comprehensive approach to enhance the Agency's current chemical management program, within the limits of existing authorities.
- The effort includes:
  - New regulatory risk management actions
  - Development of chemical action plans which will target risk management efforts on chemicals of concern.
  - Requiring information needed to understand chemical risks.
  - Increasing public access to information about chemicals.
  - Engaging stakeholders in prioritizing chemicals for future risk management action.

# New Regulatory Risk Management Actions

- EPA is undertaking risk management actions on a number of chemicals and is initiating rulemaking to:
  - Strengthen the lead paint work practice standards for renovation and remodeling, issued in 2008; ban the use of lead weights in tires; modify hazard standard for lead in dust and revise the definition of lead-based paint.
  - Phase out or ban the use of mercury in a range of switches, relays, measuring devices, and other products.
  - Address formaldehyde emissions from pressed wood products.
  - Re-evaluate the TSCA PCB use and distribution in commerce regulations
  - Require prior notification to the Agency of any new consumer use of monoglyme, diglyme, and ethylglyme.
  - Require protective measures to limit or mitigate unreasonable risks presented by two carbon nanotube chemical structures

# Chemical Action Plans

- EPA is developing action plans for chemicals of concern based on a review of available hazard, exposure, and use information.
- The action plans will characterize whether there are risks that warrant risk management actions under TSCA and/or by other means.
- The initial list of chemicals EPA is considering for action plan development includes:
  - Benzidine dyes and pigments
  - Bisphenol A (BPA)
  - Penta, octa, and decabromodiphenyl ethers (PBDEs) in products
  - Perfluorinated chemicals
  - Phthalates
  - Short-chain chlorinated paraffins
- EPA anticipates completing and posting four action plans from this group in December 2009 and will complete and post additional action plans at four-month intervals.
- EPA also intends to initiate a stakeholder dialogue to address the prioritization of chemicals for future risk management action.

## Requiring Information Needed to Understand Chemical Risks

- EPA will move quickly to ensure that the Agency has the hazard, use, and exposure data critical to prioritizing chemicals for review and making risk management decisions. As part of this effort, EPA intends to:
  - Require that companies submit information to fill the remaining gaps in basic health and safety data on HPV chemicals.
  - Make the reporting of chemical use information more transparent, more current, more useful, and more useable by the public.
  - Require additional reporting on nanoscale chemical substances, and consider how to address new and existing nanoscale substances under TSCA.

## Increasing Public Access to Information About Chemicals

- The Agency intends to increase transparency and the public's access to information about chemicals.
- EPA is currently reviewing a number of ways to make a greater amount of information about chemicals available to the public.

## Engaging Stakeholders

- EPA intends to engage stakeholders and the public on prioritizing chemicals for future risk management action.

## Resources

- Essential TSCA Reform Principles
  - <http://www.epa.gov/oppt/existingchemicals/pubs/principles.html>
- Enhanced Chemical Management Program
  - <http://www.epa.gov/oppt/existingchemicals/pubs/enhanchems.html>
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