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before the
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Committee on Environment and Public Works
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Chairman Lautenberg, Ranking Member Inhofe, and other members of the subcommittee, thank you for the opportunity to discuss exposure to toxic chemicals and the need for reform of this nation's chemicals management program.

As this Committee knows, EPA's mission is to protect human health and the environment. Ensuring that our citizens, and especially our children, are protected from exposure to unsafe levels of toxic chemicals and pollution or other environmental threats in their homes, schools, or communities is central to EPA's work. Simply put, protecting people from the adverse health effects that result from exposure to harmful chemicals is our job. As EPA Administrator Lisa Jackson recently testified before this committee, the public expects the government to provide assurance that chemicals which are ubiquitous in our economy, our environment, and our bodies have been assessed, using the best available science, and that unacceptable risks have been eliminated. Restoring confidence in our chemical management system is a top priority for EPA and a top environmental priority for the Obama Administration.

Chairman Boxer and Chairman Lautenberg, we stand ready to work with you and other Members of this committee to improve the safety of chemicals and restore the public's confidence in effective chemicals regulation. The public is rightly concerned that we are all being exposed to numerous chemicals without a clear understanding of the risks from those chemicals.

US EPA ARCHIVE DOCUMENT

Administrator Jackson and I have both testified before Congress that EPA's authority is outdated and does not provide the tools to adequately protect human health and the environment. We believe there is a growing consensus that more needs to be done to improve our management of chemicals and reduce harmful exposures to chemicals.

Just this past December, the Centers for Disease Control, issued their most recent biomonitoring report on 212 chemicals, which reflects the levels of chemicals in our bodies. While this type of information does not provide a complete picture of environmental concerns and related health effects, it raises concern about exposure to harmful chemicals.

The Toxic Substances Control Act (TSCA) was signed into law in 1976 and was intended to provide protection of health and the environment against risks posed by chemicals in commerce. However, when TSCA was enacted, it authorized manufacture and use, without any evaluation, of all chemicals that were produced for commercial purposes at that time. Thus, manufacturers of these "grandfathered" chemicals weren't required to develop and produce the data on toxicity and exposure that are needed to properly and fully assess potential risks. Further compounding this problem, the statute never provided adequate authority for EPA to reevaluate existing chemicals as new concerns arose or as new scientific information became available.

As a result of the legal hurdles and procedural requirements TSCA places on EPA prior to collecting data, there are large, troubling gaps in the available data and state of knowledge on many widely used chemicals in commerce. Although there is a review process for new chemicals being introduced into commerce, chemical producers are not required to provide, without further action from EPA, the data necessary to fully assess a chemical's risks.

In the cases where EPA has adequate data on a chemical, and wants to protect the public against well-known risks to human health and the environment, there are legal hurdles that

prevent quick and effective regulatory action. Meanwhile, the public may be exposed to chemicals for which we have little understanding of the consequences.

As has been frequently cited, after years of study, EPA issued a rule in 1989 phasing out most uses of asbestos – a chemical whose health effects had been exhaustively studied and that had been demonstrated to cause lung cancer, mesothelioma and asbestosis in humans. Yet, a federal court overturned the rule because EPA failed to clear the hurdles imposed under TSCA before existing chemical risks can be controlled.

The question before all of us is how we better identify chemical risks and take effective action to eliminate harmful chemical exposures. To begin with, we need better and more comprehensive information on chemicals. Due to the legal and procedural hurdles in TSCA, over the last 30 years, EPA has only been able to require testing on around 200 of the 84,000 chemicals on the TSCA Inventory. To date, only five existing chemicals have been regulated under TSCA's ban authority.

The Obama Administration's principles for how this law should be revised and modernized call for stronger and clearer authority for EPA to collect and act upon critical data regarding chemicals risks. To summarize those principles:

First, 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. Safety standards should be driven solely by scientific evidence of risks. EPA should have the clear authority to establish safety standards that reflect the best available science while recognizing the need to assess and manage risk in the face of uncertainty.

Second, the responsibility for providing adequate health and safety information should rest on industry. Manufacturers must develop and submit the hazard, use, and exposure data demonstrating that new and existing chemicals under review are safe. If industry doesn't

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provide the information, EPA should have the necessary tools to quickly and efficiently require testing, or obtain other information from manufacturers that are relevant to determining the safety of chemicals, without the delays and obstacles currently in place, or excessive claims of confidential business information.

Third, EPA should have clear authority to take risk management actions when chemicals do not meet the safety standard, with flexibility to take into account a range of considerations, including children's health, economic costs, social benefits, and equity concerns. EPA and industry must include special consideration for exposures and effects on groups with higher vulnerabilities – particularly children.

Fourth, EPA should have clear authority to set priorities for conducting safety reviews. In all cases, EPA and chemical producers must act on priority chemicals in a timely manner, with firm deadlines to maintain accountability. This will not only assure prompt protection of health and the environment, but also provide business with the certainty that it needs for planning and investment.

Fifth, we must encourage innovation in green chemistry, and support research, education, recognition, and other strategies that will lead us down the road to safer and more sustainable chemicals and processes. All of this must happen with transparency and consideration of the public's right to know.

Finally, implementation of the law should be adequately and consistently funded, in order to meet the goal of assuring the safety of chemicals, and to maintain public confidence that EPA is meeting that goal. To that end, manufacturers of chemicals should support the costs of Agency implementation, including the review of information provided by manufacturers.

Over the past few decades, the United States has negotiated and signed international agreements that have the goal of protection of human health and the environment from toxic

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chemicals, but has been unable to join these Conventions because of lack of domestic legislation to implement chemicals treaty commitments. The Obama Administration has identified the Rotterdam and Stockholm conventions as priority treaties for U. S. ratification. We believe that TSCA reform provides an opportunity for the consideration of implementing legislation for the Rotterdam and Stockholm conventions.

The science underlying our understanding of chemicals has evolved substantially since TSCA was enacted. Any standards we set must allow us to take advantage of new approaches in modeling and alternative testing methods that will give us the tools to better understand risks, more quickly and efficiently. Most importantly, we must look closely at the chemicals which may present unique health effects among sensitive populations, such as children. Data suggest that many commonly used chemicals can be found in our bloodstreams, and we need to better understand the implications of this cumulative exposure to multiple chemicals. Further we are taking advantage of advances in molecular biology and computer science that have the potential to transform chemical toxicity testing and provide the ability to rapidly screen environmental chemicals. EPA's Office of Research and Development is developing robust and flexible computational tools that will assist the Agency in evaluating thousands of chemicals. The goal of EPA's Computational Toxicology Research Program is to provide decision support tools for screening and assessing chemical exposure, hazard and risk, and to inform green chemical design. One such tool is ToxCast, a cost-effective approach for screening thousands of chemicals in less time and for less cost than animal studies. Bioactivity profiles and toxicity predictions from ToxCast are providing EPA regulatory programs with science-based information helpful in prioritizing chemicals for more detailed toxicological evaluations.

As legislative reform moves forward, Administrator Jackson has committed to enhancing the Agency's chemical management program, by utilizing our current authority under TSCA to the fullest extent possible to ensure that we do everything we can to protect the American people and the environment from dangerous chemicals. Fundamental reform is needed to fully

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protect against chemical risks, but until then we will move forward aggressively under the existing law.

On December 30, as part of this effort, EPA posted an initial set of four action plans addressing phthalates, long-chain perfluorinated chemicals (PFCs), polybrominated diphenyl ethers (PBDEs), and short-chain chlorinated paraffins. We are also developing action plans on benzadine dyes and bisphenol-A (BPA), although those plans are not yet ready for public release. The action plans outline the concerns that the chemicals present and the actions the Agency intends to take to address those concerns, including for the first time, utilizing TSCA's authority to list chemicals of concern.

The chemicals selected for action plan development were chosen on the basis of multiple factors, including available hazard, exposure, and use information; potential concern for children's health; use in consumer products; presence in human blood; persistent, bioaccumulative and toxic characteristics; toxicity; and production volume. We plan to use these criteria for selecting additional chemicals for future action plans as well.
Last month, EPA also announced that several U. S. companies will undertake a three-year phaseout of decabromodiphenyl ether (DecaBDE), a substance that has been used as a flame retardant in consumer and other products. Studies have shown that DecaBDE persists in the environment, potentially causes cancer, and may impact brain function. DecaBDE also can degrade to more toxic chemicals that are frequently found in the environment and are hazardous to wildlife. EPA believes that the action by these companies is an appropriate and responsible step to protect human health and environment.

As I indicated earlier, increasing transparency needs to be part of the foundation of legislative reform but we are not waiting. We intend to use the tools currently available to us, to increase the public's access to chemical information. While we understand that there are, at times, legitimate reasons why a company may need to claim confidentiality, it is also clear that CBI claims are used too often, in too many areas. For example, under TSCA, companies are

US EPA ARCHIVE DOCUMENT

required to submit health and safety information on substantial risk, and companies have frequently claimed the chemical name as CBI in these submissions. While the Agency has the information, the public version does not include the chemical name which obviously limits the value of that information. Indeed, of the roughly 84,000 chemicals included on the TSCA inventory, the identity of more than 16,000 of these chemicals is currently classified as confidential. That makes no sense.

To begin addressing this problem, earlier this month, we announced a policy shift to alert companies that we will reject confidentiality claims for chemicals that are on the public portion of the TSCA inventory. Moreover, this past July, in one of my first acts at the new Assistant Administrator, we took action to add 530 chemicals to the public portion of the TSCA Inventory which had previously been on the confidential portion because the CBI information had been made public in one form or another. Over the coming months, we intend to announce a number of actions that will further increase transparency and assure the safety of chemicals in this country.

While we have undertaken an effort to identify and take action on a number of chemicals that are commonly used in commerce and we are beginning to increase access to information, it is clear that increased regulatory and scientific attention needs to be focused. Simply put, the existing TSCA authorities are not adequate and there can be no substitute for meaningful reform of the underlying law. It is time to bring TSCA into the 21st century. EPA looks forward to working with this committee on this very important issue. I am now happy to answer questions.

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