



Statement on the Reform of Chemicals Policy in the United States

The main law regulating dangerous chemicals in the United States, the 1976 Toxic Substances Control Act (TSCA), is woefully out of date and ineffective. When TSCA became law in 1976, the U.S. Environmental Protection Agency (EPA) was required to grandfather in the use of the 60,000 chemicals with no requirement that they be tested and shown to be safe. In the 34 years since its passage, the EPA has only used TSCA to require testing on 200 of the 80,000 chemicals that are now produced and used in the United States.

Only five chemicals have been restricted under TSCA. In 1989, after spending ten years studying the issue and developing a plan, EPA banned most uses of asbestos — a known human carcinogen. But a federal court overturned the ban in 1991, finding that EPA had failed to establish that asbestos posed an “unreasonable risk,” and that it had chosen the “least burdensome” method for restricting use of the substance, as required by TSCA. As a result, asbestos is still in commercial use in the U.S., and EPA has not tried again to ban a substance using its TSCA authority.

A reformed TSCA would serve as the backbone of a sound and comprehensive chemicals policy that protects workers and communities from toxic chemicals, enhances public health and promotes safer alternatives. The new law should incorporate the scientific knowledge and technological advances of the last 30 years including:

- biomonitoring, which is the measurement of chemicals in people, and which has detected widespread chemical contamination of Americans;
- improved risk assessment based on the National Academy of Science’s recent recommendations; and
- green chemistry, alternatives assessments, and the hierarchy of controls to replace the use of dangerous chemicals with safer and cost-competitive products and practices, rather than other dangerous chemicals or personal protective equipment.

The result will be less cancer, lower rates of asthma, fewer birth defects and safer jobs that use innovative materials and inherently safer technologies.

The BlueGreen Alliance and its partners urge the passage of comprehensive reform of the Toxic Substances Control Act with these provisions:

1. TAKE IMMEDIATE ACTION ON THE WORST CHEMICALS:

TSCA reform should ensure that immediate action is taken to reduce the public’s exposure to the chemicals that pose the greatest threat to workers, communities, consumers and the environment.

2. PROVE SAFETY AND PROVIDE THAT INFORMATION TO THE PUBLIC:

Chemical manufacturers should be required to demonstrate the safety of their products. To do so, manufacturers of chemicals should be required to provide and publicly disclose information about health and environmental hazards and potential exposures on every chemical they make. Claims of confidential business information should not be allowed to shield the identity or other critical information about chemicals that can affect our health or damage the environment.

3. GIVE EPA THE POWER TO PROTECT:

TSCA reform should provide the EPA with both the duty and the clear authority to establish health and safety standards, to obtain any information necessary to evaluate whether a chemical meets such standards, and to take effective action where a chemical cannot be shown to be safe. Implementation of the law should be adequately and consistently funded with support from the manufacturers of chemicals. The EPA must have the mandate and the ability to adapt to the most recent scientific findings and adopt new methodologies.

4. PROTECT THOSE AT GREATEST RISK, INCLUDING WORKERS:

Chemicals should be assessed using a health-based standard that explicitly requires protection of the most vulnerable among us, including children, workers, pregnant women, people of color, indigenous people, low-income communities or other vulnerable groups.

5. PROMOTE PROBLEM SOLVING RATHER THAN PROBLEM SHIFTING:

New law should prioritize the use of green chemistry and engineering that create inherently safer products and processes. The aim of legislation should be to solve and not shift problems. Worker transition and community adjustment provisions assure that chemical policy reform will provide all communities and all workers opportunities in the new green economy.

6. INVOLVE WORKERS, COMMUNITIES AND THE PUBLIC:

The enforcement of new law must ensure the right to know, protect whistleblowers, disclose ingredients and allow citizen petitions and suits.

7. IMPROVE COORDINATION BETWEEN AND INNOVATION INSIDE GOVERNMENT AGENCIES:

The EPA should have the authority to work effectively with Occupational Safety and Health Administration (OSHA), Food and Drug Administration (FDA), Consumer Product Safety Commission (CPSC) and other federal government agencies that have responsibility for preventing chemical exposures to workers and the public to ensure the public is protected from exposure to unsafe chemicals. The ability of the states to enact stricter and more innovative chemical policies should be maintained and state/federal cooperation on chemical safety should be encouraged.

8. INVEST IN A GREEN JOBS FUTURE AND SUPPORT THE TRANSITION TO THAT FUTURE:

Effective reform must include public investment in basic and applied research and the production of safer alternatives, as well as training and transition support for workers, communities and small businesses. Investments should be designed to provide U.S. workers and U.S. companies with the resources they need to grow and be part of a new economy in the United States that is both environmentally and economically sustainable.



2828 University Ave. SE, Suite 200
Minneapolis, MN 55414
612.466.4479

1133 15th Street NW, Suite 1075
Washington, D.C. 20005
202.548.6587