SOCMA's Approach to Chemical Risk Management in 2009 and Beyond

A Response to Calls for TSCA Reform

Introduction

SOCMA believes that EPA's program to implement the Toxic Substances Control Act (TSCA), a 30+ year old law, needs some revitalization. The chemicals management regulatory system could be made stronger and more effective by more fully utilizing the existing program and adopting appropriately tailored enhancements.

Since the enactment of TSCA, many technological advancements have greatly changed how we view chemicals management. For example, we have seen the emergence of biotechnology and nanotechnology and improvements in quantitative analytical chemistry. Equally important, the internet has provided people with instant access to vast amounts of information, creating a heightened awareness of chemical exposures and facilitating a fear of the unknown, particularly among consumers and the general population.

SOCMA believes that current levels of concerns are not due to current activities of chemical companies, or by bureaucratic shortcomings, as argued by some. To the contrary, much of the heightened attention we see to chemicals issues is –through the *positive* activity of industry – making us more aware of the role of chemistry in today's society. We have seen the industry become involved in product stewardship, with a greater focus on chemical testing and basic research –which produces both answers and questions. Fortunately, these same efforts and new innovative techniques have resulted in improvements in the physical sciences and an improved standard of living. Chemistry is indeed all around us, and that is a good thing on balance.

TSCA has generally stood the test of time as a flexible program that has worked well to protect human health and the environment without crippling innovation. SOCMA believes that some possible enhancements to the TSCA program are worth considering. The following should serve as thought starters as we consider evaluating our process for managing chemicals, new and existing, in 2009 and beyond. SOCMA believes all are worthy of fuller discussion but does not specifically endorse them.

When evaluating *New Chemicals,* EPA should:

Continue to utilize and add to the Exposure Assessment Branch (EAB) exposure-based criteria to gather data; one criterion already includes

Consumer Use;

Consider including a section in the Pre-Manufacture Notice (PMN) for potential exposures to children;

Increase efforts to develop and use Structural Activity Relationships (SARs) and computer modeling to evaluate chemicals, thereby reducing animal testing;

Continue to encourage voluntary participation in programs like the Nano-Materials Stewardship Program (NMSP), to address concerns with new technologies;

Where warranted, use its Section 5(e) authority to generate necessary test data;

When evaluating *Existing Chemicals* EPA should:

First and foremost, continue its efforts under the new Chemical Assessment & Management Program (ChAMP). When properly implemented, ChAMP would address many of the concerns driving calls for TSCA revitalization. In particular, EPA should:

- Initiate an Inorganics HPV; and
- Proceed with resetting the TSCA inventory

Utilize work already conducted outside of the United States, and share domestic work with other countries. A great deal of information will be developed under REACH, and we should leverage that information rather than require duplication of efforts.

Expand the use of Significant New Use Rules (SNURs) to gather data where new uses of existing chemicals raise significant concerns;

Examine opportunities to improve the Section 4 program. These could include:

- responding more timely to industry alternative testing proposals;
- more readily accepting phased approaches; and

- issuing more test rules where warranted;

Promptly issue test rules for "orphan" HPV chemicals. Continue to use the updated Inventory Update Rule (IUR) to prioritize chemicals that are produced in high volumes and to which children are likely to be exposed. Expand the IUR to cover smaller quantities of Medium Production Volume (MPV) chemicals;

Make public as much information as possible on chemicals in commerce without compromising confidential business information (CBI). When CBI prevents disclosure, work with industry stakeholders at determining a path forward that allows disclosure of relevant data without violating CBI protections for other information.

Issue well-supported rules under Section 6 where appropriate. The ban on asbestos failed not because EPA lacked legal authority, but because the rule was not supported with adequate analysis and justification.

Continue dialogue with stakeholders;

***Congress and the Obama Administration* should substantially increase the resources provided to EPA's Office of Pollution Prevention & Toxics so that EPA can fully implement its current TSCA authorities, ChAMP, and the other new enhancements listed above.**

Conclusion

Chemicals management in 2009 and beyond should not require sweeping changes to TSCA, like implementing Europe's REACH or enacting new legislation. TSCA, when fully utilized and adjusted to meet the new challenges we are facing, can continue to be an effective statute. Existing options under TSCA, such as test rules and SNURs -- as well as voluntary programs -- should be fully maximized and programmatic enhancements should be considered. ChAMP should continue to move forward as it is the best first step for programmatically evaluating the hazards and risks of existing chemicals.