



February 23, 2009

The Honorable Lisa Jackson
Administrator
U.S. Environmental Protection Agency
US EPA Headquarters
Ariel Rios Building
1200 Pennsylvania Avenue, N. W.
Mail Code: 1101A
Washington, DC 20460

Dear Administrator Jackson:

On behalf of the members of the Synthetic Organic Chemical Manufacturers Association (SOCMA), I would like to extend my congratulations to you on your appointment as Administrator of EPA. Our members and staff look forward to a productive working relationship with you.

I believe we can agree that several partnership opportunities exist between industry and the Agency to improve environmental performance. One opportunity that is front and center is improving the management and assessment of industrial chemicals. In your memo to EPA staff, you stated that one of your priorities is to take on this issue. It is an area of particular importance to SOCMA members. I hope you will consider the following approach to this timely issue, from our unique perspective as the national representative of the batch and specialty chemical industries.

As you know, the Toxic Substances Control Act (TSCA) was enacted to protect human health and the environment from risks that may result from exposures to chemicals without unduly impeding the innovation that the chemical industry provides our society. The statute has faced criticism from a variety of sources over the years. While SOCMA agrees that certain areas of TSCA should be revisited for improvement, we do not agree that a complete overhaul is necessary or wise. SOCMA believes that much of the criticism stems from the technological enhancements that the scientific community has produced. We have seen the emergence of biotechnology and, more recently, nanotechnology, not to mention biomonitoring and ever more sensitive quantitative analytical chemistry techniques. We have also seen the Internet increase public awareness of background exposures to chemicals, as vast amounts of information have become readily available. This clearly demonstrates progress and shows that, as a country, we are moving in the right direction, both in innovation and in public right-to-know. Nevertheless, these developments also create opportunities for misuse of information, resulting in fear of the unknown, particularly among consumers and the general public. This is precisely why an appropriate balance needs to remain in place when considering a new or improved approach to chemical risk management.

Congress recognized the importance of this balance when TSCA was enacted in 1976. Interestingly, thirty years later, much of the debate over TSCA's role has remained the same -- and it will probably continue to do so. This is not to say that this issue does not need to be revisited. The prior administration recognized that the time had come to revitalize TSCA, which is why the Agency has been putting so much effort into implementing the Chemical Assessment and Management Program (ChAMP), the voluntary program to which the United States committed in 2007, along with Canada and Mexico, under the Security and Prosperity Partnership (SPP). Thus far, EPA has generated 151 risk-based prioritizations on high production volume chemicals and 55 hazard-based prioritizations. The Agency has also initiated action to reset the TSCA inventory to more accurately capture chemicals currently in commerce. On this note, it is interesting to observe that, at any given time, fewer than 10,000 chemicals are likely to actually be in commerce -- a fact lost on those who misinterpret the current inventory by stating that roughly 80,000 chemicals are in commerce. I respectfully request that you continue this collaborative program, which I am sure will result in an increased public confidence in EPA and your important mission.

As you may know, SOCMA will be testifying before a subcommittee of the House Energy and Commerce Committee on Thursday, February 26, 2009. We will make a case for the continued implementation of ChAMP, more fully utilizing TSCA, and providing EPA with the resources necessary for it to accomplish its goals of protecting human health and the environment. We will explain that currently there are a variety of ways that the Agency can obtain relevant data on chemicals, contrary to claims otherwise. For example, a U.S. company who becomes aware of adverse health or environmental data generated in support of registration obligations for any of its chemicals under REACH in the EU is obligated to report those data to the U.S. EPA under TSCA Section 8(e). U.S. companies would become aware of such reports from its EU suppliers, importers, customers, subsidiaries, or parent company, all of whom are obligated to register under REACH. In this way, TSCA has mechanisms in place already to ensure the sharing of data generated under other jurisdictions on high or medium production volume chemicals produced or imported in the U.S. This information will provide the Agency with an immense amount of useful data that can then be used as appropriate to make risk-based decisions in the U.S.

SOCMA looks forward to working with you in supporting your commitment to the adherence to science as a foundation for making environmental decisions. We also welcome the opportunity to meet with you to share our perspectives with you in more detail. If you have any questions or would like additional information, please contact Dan Newton of my staff at 202-721-4158 or by email at newtond@socma.com.

Sincerely,



Joseph Acker
President

cc: William E. Allmond, IV, Vice President, Government Relations & ChemStewards®
Daniel Newton, Manager, Government Relations