



EPA

United States
Environmental Protection
Agency

TSCA Reform and EPA's Enhanced Chemical Management Program

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TSCA Overview

- Enacted in 1976, TSCA set a national program to:
 - Gather information on new and existing chemical substances and mixtures
 - Require testing of chemicals and mixtures
 - Screen and control unreasonable risks of new and existing chemicals and mixtures
 - Coordinate with other Federal agencies
- Only major environmental statute not reauthorized
- TSCA was intended to be the primary means of regulating the production and use of industrial chemicals

Key Elements of TSCA: Inventory

- Lists all existing chemicals ever in commerce – originally contained **60,000** chemicals.
- Current Inventory contains more than **84,000** chemicals
- EPA collects production level and some exposure and use information every five years
- Information becomes publicly available, unless confidentiality is claimed

Chemical Management – A Priority

“More than 30 years after Congress enacted the Toxic Substances Control Act, it is clear that we are not doing an adequate job of assessing and managing the risks of chemicals in consumer products, the workplace and the environment. It is now time to revise and strengthen EPA’s chemicals management and risk assessment programs.”



EPA Administrator, Lisa Jackson

Jan. 23, 2009

TSCA Reform

- On September 29, 2009, Administrator Jackson announced plan to enhance EPA's chemical management program that included the release of a set of Administration principles on TSCA reform.
- On April 15, 2010, Sen. Lautenberg introduced the "Safe Chemicals Act of 2010."
- On July 22, 2010, Congressmen Waxman and Rush introduced the "Toxic Chemicals Safety Act of 2010."



Challenges for TSCA Reform

- No mandatory program to determine the safety of existing chemicals.
- Difficult legal and procedural hurdles to limit or ban chemicals.
- Significant hurdles to request the generation and submission of health and environmental effects data.
- Confidential Business Information (CBI) claims limit access to information by the public & other governments.

CONFIDENTIAL

6 Principles for Legislative Reform

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.

6 Principles for Legislative Reform

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.



Enhancing Current Program

- While legislative reform is underway, EPA is using existing law to greatest extent possible.
- Comprehensive effort includes:
 - New regulatory risk management actions
 - Development of chemical Action Plans which will focus risk management efforts on chemicals of concern.
 - Requiring industry to submit information needed to understand chemical risks.
 - Increasing public access to information about chemicals.

Action Plans

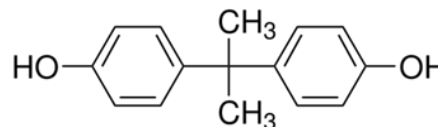
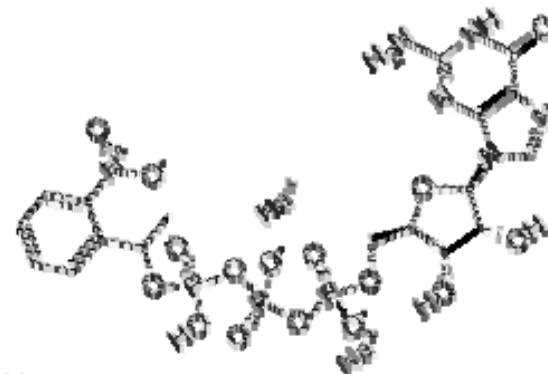
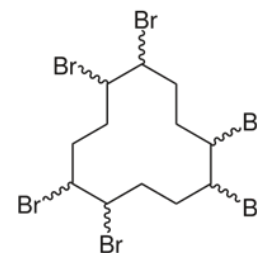
- On Sept. 29, 2009, Adm. Jackson announced a plan to enhance EPA's chemical management program, which included the development of chemical action plans, as well as releasing Administration principles on TSCA Reform.

- Eight Action Plans Released to date:

- Eight phthalates – 12/30/09
- Penta, octa, and decaBDE – 12/30/09
- Hundreds of perfluorinated chemicals – 12/30/09
- Range of short-chain chlorinated paraffins – 12/30/09
- BPA – 3/29/10
- 48 benzidine dyes – 8/18/10
- Hexabromocyclododecane (HBCD) – 8/18/10
- Range of NP/NPE mixtures – 8/18/10

- Underdevelopment:

- Diisocyanates



Key Risk Management Activities

- Range of risk management activities outlined in action plans:
 - TSCA test rules and significant new use rules
 - New TRI reporting
 - DfE and Green Chemistry approaches for alternatives assessments
 - Sect. 5(b)(4) Chemicals of Concern list
 - Section 6 actions to ban or limit uses



Additional Risk Management Activities

- Inventory Update Rule (IUR)
 - In October 2010, EPA proposed modifications for IUR reporting cycle to increase utility of data, public access to the info, and new/updated exposure information. Next reporting in 2011.
- High Production Volume (HPV) Test Rules
 - Finalizing test rules/ Significant New Use Rules (SNUR)s to capture most remaining HPV chemicals
- Nanoscale Materials (NMs)
 - Developing rules to ensure appropriate oversight
 - Section 8(a) and SNUR
 - Section 4 Test Rule
- Formaldehyde
 - Developing implementing regulations for the new Formaldehyde Standards for Composite Wood Products Act

Increasing Transparency

- **Current Efforts:**

- Addition of 530 chemicals on public version of TSCA Inventory – 8/09
- New policy for review of CBI chemical identity claims for notices of substantial risks – 1/10
- Free access to consolidated Inventory – EPA and Data.Gov websites – 3/10
- Integrated TSCA facility and chemical information into Envirofacts – 5/10
- New policy for review of CBI chemical identity claims for all health and safety studies – 6/10
- AA letter to industry trade associations (6/10) and 32 companies (8/10) urging release of unwarranted CBI claims
- Proposed IUR modifications (8/10) for 2011 reporting
- New web-based chemical data access tool introduced – 12/10



DfE – Moving Toward Sustainability

- EPA's Design for the Environment (DfE) program
 - Alternatives Assessments
 - Safer Product Recognition
- Helping to move manufacturing processes and products closer to sustainability



Look for the label!

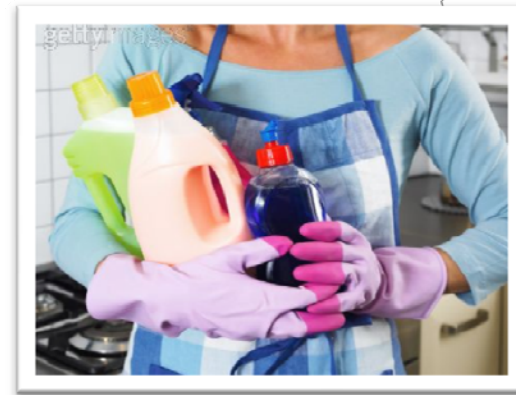


DfE Alternatives Assessments

- Evaluates chemicals of concern and potentially safer alternatives
- Involves wide spectrum of interested parties
- Provides the best information on hazard from literature and models
- Report covers process, uses, life-cycle concerns, alternatives, costs and economic impacts
 - Helps manufacturers choose safer chemicals to use in products for consumers
 - Helps minimize the potential for unintended consequences by reducing the likelihood of moving to alternatives that could pose a concern

DfE Safer Product Labeling Program

- More than 2,100 products meet rigorous DfE standard
- EPA reviews every ingredient
- EPA requires partnership agreement & audits
- Proposed enhancements to standard
 - Packaging
 - VOCs , flammability, enzymes
 - Dermal contact products
 - Ingredient disclosure/communication



Defining EPA's Role in Green Products

- Green and sustainable products have become an important issue for EPA, other federal agencies, business, consumers, and others
- EPA published a Federal Register notice and opened a public docket on September 16 on sustainable products
 - Received over 100 comments
- Held a Listening Session on September 24 to solicit individual stakeholder input on key questions
 - Over 60 participants
- EPA is using comments to inform development of options, building on EPA's experience

P2 & Sustainability Strategy

- EPA Administrator Jackson asked OCSP to lead a cross-Agency effort to develop recommendations on how EPA can:
 - More fully integrate P2 in our programs
 - Use our information tools to better document progress in pollution prevention
 - Focus our resources more effectively, and
 - Enhance collaboration



Green Chemistry and Engineering

- Programs serve as catalysts for new approaches and innovations in the design and implementation of safer and more sustainable chemicals, processes and products to ensure that chemicals are safe for use in products, homes, schools and workplaces
- The 2011 Annual Presidential Green Chemistry Challenge Awards recognize technologies that reduce or eliminate the use or generation of hazardous substances from a chemical product or process
- 2011 Challenge Awards will mark the 16th year of the program.
 - To date EPA received more than 1,300 nominations and awards have been presented to 77 winners.
 - Winning technologies alone are responsible for reducing the use or generation of more than 198 million pounds of hazardous chemicals, saving 21 billion gallons of water, and eliminating 57 million pounds of carbon dioxide releases to air .



Resources

- TSCA and EPA's Enhanced Chemical Management Program: <http://www.epa.gov/opptintr/>
- Green Chemistry Program: <http://www.epa.gov/greenchemistry/>
- Design for the Environment (DfE) Program: <http://www.epa.gov/dfe/>
- Green Engineering Program: <http://www.epa.gov/oppt/greenengineering>

