

# **EVERY FAMILY SHOULD HAVE A HOME FREE OF TOXIC CHEMICALS**

## **The Case for Reforming the Broken U.S. Chemical Safety System**

**Our chemical safety system is badly broken.** Unnecessary dangerous chemicals are widely used in everyday products. These same hazardous substances leach out of household products like furniture, food packaging, personal care products, and toys, and enter our bodies. Tests shows that humans, even newborn babies, are contaminated with common chemicals linked by the best scientific research to breast and prostate cancer, learning and developmental disabilities, infertility, diabetes and obesity, and other disorders. Rates of chronic diseases are rising, in part as a result of environmental chemical exposures.

**The current federal law is outdated and ineffective.** In 1976, the federal Toxic Substances Control Act (TSCA) “grandfathered” or exempted more than 60,000 industrial chemicals. TSCA wrongly presumes that these chemicals are safe unless the U.S. Environmental Protection Agency (EPA) proves harm. Yet in more than 30 years, EPA has ordered chemical manufacturers to fully test only 200 of what are now 80,000 or more chemicals for their threat to human health and the environment, so the vast majority of chemicals remain untested. Of the few thousand chemicals that science shows for certain are dangerous, EPA has only banned or restricted the use of 5 toxic chemicals under TSCA. Even asbestos could not be completely banned under the law. Meanwhile, any test of human blood or household dust shows that people are exposed to hundreds of toxic chemicals that escape from everyday products or contaminate our food supply.

### **Maine leads on safer chemicals policy, but can’t go it alone.**

Maine is one of 18 states that have passed laws to protect children’s health from toxic chemicals in everyday consumer products. In 2008, the Legislature adopted the Kid-Safe Products Act by an overwhelming bipartisan margin. The law does three things:

- **Names Priority Chemicals.** When state toxicologists at the Maine Center for Disease Control and Prevention (CDC) agree the best available science shows chemicals are hazardous to health and will likely expose a child or fetus, then the Maine Department of Environmental Protection (DEP) can adopt a rule to designate the substance as a Priority Chemical;
- **Discloses Priority Chemicals Used in Products.** Manufacturers are required to report on the Priority Chemicals they add to the consumer products specified in the DEP rule. This fills a critical information gap since no one, including retailers or consumers, knows which toxic chemicals are used in common products; and
- **May Require Safer Alternatives.** Subject to legislative approval, the use of a Priority Chemical in a product may be phased out if DEP shows that children are exposed and safer alternatives are available, effective and affordable.

### **Congress must act to fix our broken federal chemical safety system.**

The **Safe Chemicals Act of 2011** (S. 847, sponsored by Senator Frank Lautenberg) would address each of the core failings of TSCA. It would modernize the Toxic Substances Control Act (TSCA) to require chemical companies to demonstrate the safety of industrial chemicals and the Environmental Protection Agency (EPA) to evaluate safety based on the best available science.

The Safe Chemicals Act would:

- Ensure EPA has information on the health risks of all chemicals. The bill requires chemical companies to develop and submit a minimum data set for each chemical they produce. EPA would have full authority to require any data beyond the minimum data set needed to determine safety of a chemical. The bill also contains numerous provisions to ensure that no duplicative or unnecessary testing occurs, and that EPA accepts and encourages the use of rapid, low-cost, non-animal tests that provide high quality data.
- Require EPA to prioritize chemicals based on risk. EPA must conduct an initial evaluation of the safety of all chemicals and place those that meet certain criteria into one of three classes: immediate risk management, safety standard determination, and no immediate action. Not all chemicals will meet the criteria to be placed in a class. Prioritizing chemicals based on risk focuses EPA's resources on the chemicals most likely to cause harm, while ensuring that all chemicals are reviewed for safety.
- Expedite action to reduce risk from chemicals of highest concern. Persistent, bioaccumulative, and toxic chemicals for which there is the potential for widespread exposure will be placed into the category of chemicals requiring immediate risk management. EPA must then impose conditions that will immediately reduce exposure.
- Further evaluate chemicals that could pose unacceptable risk. Chemicals that present uncertainty about their ability to meet the safety standard will be placed into the category of chemicals requiring a safety standard determination, and additional testing will be required.
- Provide broad public, market and worker access to reliable chemical information. EPA must establish a public database that will house both chemical information submitted to EPA and decisions made by EPA about chemicals. Legitimate confidential business information will be protected, and important chemical safety information made accessible to workers, the public, and downstream business users.
- Promote economic innovation, green chemistry, and safer alternatives to chemicals of concern. The bill requires EPA to establish a program to develop market and other incentives for safer alternatives, and a research grant program targeted at priority hazardous chemicals for which alternatives do not presently exist. A network of research centers would be established to conduct green chemistry research and alternatives analyses, and to provide training, educational materials, and technical assistance to educational institutions, small businesses, government and non-governmental organizations.

The Safe Chemicals Act of 2011 is a long-overdue modernization of the Toxic Substances Control Act. It address the problems with TSCA that have been identified by the EPA, Government Accountability Office, and industry leaders that have testified to Congress. The bill also comports with principles for TSCA reform issued by the Obama Administration, the American Chemistry Council, and the Safer Chemicals, Healthy Families Coalition.

We need Congress to fix federal chemical policy to protect the health of children and all Americans. Maine's U.S. Senators Olympia Snowe and Susan Collins should co-sponsor this important public health legislation.

Fixing our broken chemical safety system will improve health, reduce disease, help lower skyrocketing health care costs, and stimulate the economy through research and innovation.