

Lautenberg Plan: Safety First

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The effort to protect Americans from chemical dangers took a historic step forward today as Senator Frank R. Lautenberg (D-NJ), chairman of the Senate Subcommittee on Environmental Health, introduced legislation to overhaul the Toxic Substances Control Act (TSCA) of 1976. The current law is riddled with so many loopholes that in more than 30 years, the Environmental Protection Agency (EPA) has been able to regulate only five of the 83,000 chemicals in use in consumer goods.

In the House, meanwhile, a key committee rolled out its “discussion draft” of a parallel proposal. Reps. Henry Waxman (D-Calif.), chairman of the House Energy and Commerce Committee Chairman and Commerce, and Bobby Rush (D-Ill.), chairman of the Trade and Consumer Protection Subcommittee, will begin hammering out a final version that could go to a floor vote later this year.

Sen. Lautenberg’s *Safe Chemicals Act* will bring order to a chemical industry whose products have largely escaped regulation for the past three decades. With virtually no rules governing the safety of chemicals, American babies are born pre-polluted, their bodies laced with as many as 300 industrial compounds, pollutants, plastics, pesticides and other substances that threaten public health.

Lautenberg puts this problem in the crosshairs by making protection of children and other vulnerable populations the cornerstone of American environmental health policy . The measure would set standards of public health protection far higher than the new European toxic chemicals regime. It would be light years ahead of any statute that has been proposed or enacted at the state level.

The bill would also begin to peel away the shroud of secrecy that allows only industry and select EPA employees to see “confidential” data on chemicals. As a result, two-thirds of all synthetics brought to market in the past 30 years have been secret chemicals, their identities concealed from the public and independent scientists. Even first responders and state health authorities have no access to these chemical identities and safety data about them.

In another major reform, Lautenberg’s bill would shift the burden of ensuring that chemicals are safe, requiring chemical manufacturers to prove the safety of their products to stay on the

market. As things stand now, the public must accept industry's claims that a chemical is benign. If the Environmental Protection Agency (EPA) questions a substance's safety, the agency – meaning the public – bears the burden of proving that there are risks. The bill would also give the EPA the authority to make it stick; if a company declines to produce even a single study the agency wants, the EPA administrator could stop production and use of the chemical.

The *Safe Chemicals Act* would also require EPA to produce a priority list of 300 existing chemicals for regulatory review and would establish an interagency panel to decide which chemicals go on that list. Putting the wrong chemicals on the list will undermine public protections for many years. As the bill moves forward, EWG will keep a close eye on how priorities are set and what tests are required to prove safety.

Lautenberg, Waxman and other members of Congress sponsored a toxic chemicals policy reform proposal known as the *Kid-Safe Chemicals Act* in 2005 and again in 2008, but these measures did not have the broad support that has coalesced behind the current initiative.

Today, the search for environmental causes of disease is a front-burner issue for scientists, medical professionals, policy-makers and health advocates. President Obama, EPA administrator Lisa Jackson, key members of both houses of Congress, the environmental and health communities, countless citizens and the chemical industry itself agree that a new national policy must be crafted to fit the complex realities of the 21st century.