The President is expected to sign H.R. 2576, the “Frank R. Lautenberg Chemical Safety for the 21st Century Act” today. The bill, amending the Toxic Substances Control Act of 1976 (TSCA), calls for an overhaul of the Environmental Protection Agency’s (EPA) ability to test new chemicals and regulate them accordingly.

“This much-needed bill will provide updates that have been due literally for decades” said Sen. David Vitter (R-LA). The bipartisan bill passed the House in May with a 403-12 vote and the Senate in early June by a voice vote. The bill addresses the ever increasing amount of new industrial chemicals that could potentially be harmful to the environment and to the safety of the general public. Out of the over 23,000 chemicals identified by the EPA since 1976, only five of them have specific restrictions enforced by the agency.

Currently, the states are primarily responsible for enacting restrictions addressing these chemicals, and occasionally these chemicals have different regulations depending on the state. These differing regulations become all the more complicated when they enter into interstate commerce. Many manufactures now advocate for a general standard for these chemicals to be handled, while proponents of keeping state regulations unique argue that states can lead the way in trying alternative approaches that may go further in fighting the dangers than federal regulations would.

New York Attorney General Eric Schneiderman (D) issued a statement saying he was "disappointed that the amended Toxics Substances Control Act passed by Congress expands federal preemption, creating new obstacles to the ability of New York and other states to protect their citizens from the hazards of toxic chemicals."

The new bill tackles this issue by directing the EPA to prioritize chemical substances that have been identified as having potential for danger, and allowing requests from manufactures to fast-track certain chemicals (for an added fee). It also further extends the agency’s pre-emption of state laws, by allowing them to restrict the use of chemicals determined not to present an extreme level of risk. By allowing the EPA to prioritize chemicals, and pushing for them to have control over chemicals deemed not to be unreasonably risky, Congress is hoping that the agency that will be able to set federal standards on ten major chemicals a year, and is hoping that the prioritization fee paid by manufacturers will help provide the funds for such a venture. Essentially, this bill will increase funding and resources to the EPA to place federal standards on more chemicals than ever before.

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