



Major improvements in the Frank R. Lautenberg Chemical Safety for the 21st Century Act

Comparing the Udall-Vitter chemical safety reform bill to current TSCA

	Current TSCA	Chemical Safety for the 21st Century Act
Safety standard	<ul style="list-style-type: none"> • “Unreasonable risk” requires cost-benefit analysis and balancing 	<ul style="list-style-type: none"> • Explicitly precludes EPA from considering costs and other non-risk factors in making safety determinations
Vulnerable populations	<ul style="list-style-type: none"> • No special consideration 	<ul style="list-style-type: none"> • Expressly requires protection of such populations
Restricting unsafe chemicals	<ul style="list-style-type: none"> • No mandate to restrict chemicals found to present an unreasonable risk 	<ul style="list-style-type: none"> • Explicitly requires EPA to phase out or ban the chemical, or restrict it sufficiently to meet the safety standard
Review of existing chemicals	<ul style="list-style-type: none"> • No mandate to review safety of chemicals in use • No deadline for completing initiated assessments or imposing restrictions 	<ul style="list-style-type: none"> • Mandates safety reviews for all chemicals in use • Specifies concrete deadlines for each step: prioritization, safety assessment and determination, and regulation
Testing	<ul style="list-style-type: none"> • EPA must do rulemaking (typically a multiyear process) to require testing • It must also show evidence of potential risk or high exposure, a <i>Catch-22</i> 	<ul style="list-style-type: none"> • EPA can use orders to require testing (with justification) and need not first have evidence of risk • Full testing authority for new chemicals and to inform prioritization decisions
New chemicals	<ul style="list-style-type: none"> • No affirmative safety decision required, burden on EPA to find concern even absent safety data 	<ul style="list-style-type: none"> • Manufacture of a new chemical can only start if EPA affirmatively finds it is likely to meet the safety standard
Confidential business information (CBI) claims	<ul style="list-style-type: none"> • The identities of about 17,000 chemicals (out of the 85,000) on the TSCA Inventory are hidden from public view, having been claimed by their makers to be CBI • Companies can claim virtually any information they submit to EPA is CBI, which cannot be disclosed the public, states or first responders 	<ul style="list-style-type: none"> • Chemical identities of chemicals on the market can be masked only if substantiated and approved by EPA • All past chemical identity claims for active chemicals must be reviewed by within five years of enactment • EPA can require re-substantiation of any claim for a chemical designated high-priority, and must do so for a chemical found not to meet the safety standard
Time limits on CBI claims	<ul style="list-style-type: none"> • CBI claims are not subject to time limits and remain in place unless challenged by EPA 	<ul style="list-style-type: none"> • Most CBI claims must be substantiated when made, and expire after 10 years unless re-substantiated
User fees	<ul style="list-style-type: none"> • EPA can only charge fees to cover testing requirements or new chemicals • Fees are capped at \$2,500 per company (\$100 per small company) • Fees go to the general treasury and are not available to directly cover EPA’s costs 	<ul style="list-style-type: none"> • EPA is to collect fees for both new and existing chemicals, as well as those designated as high-priority • Fees can be used to defray the costs of all chemical review, regulatory and information management activities • Fees go directly to EPA, and are to cover approximately 25% of relevant EPA program costs up to \$18 million/year