



## How the **Frank R. Lautenberg Chemical Safety for the 21st Century Act** Will Protect the Health of American Families

### **THE PROBLEM**

#### **UNTESTED AND UNSAFE CHEMICALS THAT THREATEN OUR HEALTH**

**Americans are exposed to thousands of chemicals every day, and only a small fraction have ever been adequately reviewed for safety. Until President Obama signed the Lautenberg Act on June 22, 2016, our primary chemical safety law, the 1976 Toxic Substances Control Act (TSCA), had not been updated for 40 years.**

- **Toxic chemicals impact our health.** Science has linked common chemicals to cancer, infertility, diabetes and Parkinson's and other illnesses. Pregnant women, infants, and children remain especially vulnerable: many babies are born with hundreds of chemicals already in their bodies.
- **The old law was broken.** Only a small fraction of the chemicals in cleaning products, clothing, furniture, and other products were ever reviewed for safety. Under that law our government lacked the ability to regulate even known dangers such as asbestos, lead and formaldehyde.

### **THE SOLUTION: THE LAUTENBERG ACT SIGNED BY PRESIDENT OBAMA JUNE 2016**

***The bi-partisan Lautenberg Act overhauls the old law and gives EPA the tools necessary to ensure the safety of chemicals and significantly strengthen health protections for American families.***

#### **Notably, the law:**

- Mandates safety reviews for chemicals in active commerce.
- Requires safety finding for new chemicals before they are allowed on the market.
- Replaces TSCA's burdensome safety standard — which prevented EPA even from banning asbestos — with a pure, health-based safety standard.
- Explicitly requires protection of vulnerable populations like children, pregnant women and workers.
- Gives EPA enhanced authority to require testing of both new and existing chemicals.
- Sets aggressive, judicially enforceable deadlines for EPA decisions and compliance with restrictions.
- Makes more information about chemicals available, by limiting companies' ability to claim information as confidential, and by giving states and health and environmental professionals access to confidential information they need to do their jobs.
- Requires EPA to reduce animal testing where scientifically reliable alternatives exist that would generate equivalent information.
- Requires EPA to prioritize and expedite action on chemicals that are persistent and bioaccumulative, and that are known human carcinogens and have high toxicity.
- Retains significant role for states in assuring chemical safety, while strengthening the federal role.

# THE FRANK R. LAUTENBERG CHEMICAL SAFETY FOR THE 21ST CENTURY ACT

*Historic Bi-Partisan Legislation Signed By President Obama on June 22, 2016*

## Problems with Old Law

### Paralyzing Requirements

Requires onerous cost-benefit analysis that has paralyzed EPA and left dangerous chemicals unregulated.

### No Protection for the Most Vulnerable

No requirement to consider our most vulnerable populations, like children and pregnant women, who are at an elevated risk.

### Presumption of Innocence for Chemicals

No requirement to review the safety of existing chemicals. TSCA grandfathered in 62,000 chemicals in 1976, simply presuming them to be safe.

### Weak Testing Powers

EPA may only require testing of chemicals through formal rulemaking—a process that can take years. Even worse, to require testing EPA must first show a chemical poses a potential risk or high exposure, a Catch-22.

### New Chemicals Lack Adequate Safety Check

New chemicals are allowed onto the market without an affirmative EPA safety decision. EPA bears the burden to identify any concern, even absent any safety data.

### Excessive Trade Secrets Limit Public Disclosure

Companies can claim virtually any information they submit to EPA is “Confidential Business Information,” which cannot be disclosed to the public, states, or first responders.

### Chemical Secrets are Indefinite

“Confidential Business Information” claims currently have NO time limits, and remain in place unless EPA challenges them.

### Insufficient Funding

EPA has insufficient funding to support a rigorous program. Fees are limited to new chemicals and are capped at \$2,500 per company. But that’s not all—these fees actually go to the general treasury, and are not available to directly cover EPA’s costs.

## The Lautenberg Act Fix

### → Strong, Health-Only Safety Standard

Removes requirements that kept EPA from restricting harmful chemicals—eliminating requirement to consider costs when determining safety, relying instead solely on health consideration.

### → Explicit Protections for Vulnerable Populations

Expressly requires the protection of those most susceptible to harm from chemicals.

### → Mandate to Review Chemicals in Use Today

Explicitly requires safety reviews for all chemicals currently in use, specifying concrete deadlines for each step in the process.

### → New, Efficient Testing Authority

EPA can simply issue an order to require testing, without the Catch-22 of having to first have evidence of risk or high exposure. Testing authority in reviewing new chemicals and prioritizing existing chemicals.

### → Safety Finding for New Chemicals Before Use

New chemicals are not allowed onto the market unless they clear a basic safety bar. New authority to ensure EPA has sufficient information to make an informed decision.

### → Unprecedented Transparency

Strong new limits and checks are imposed on what can qualify as “Confidential Business Information.” Ensures that state officials, medical professionals and the public have access to health and safety information.

### → Time Limits and Justification for Trade Secrets

Most “Confidential Business Information” claims must be fully justified when made, and will expire after 10 years if they’re not re-substantiated.

### → A New, Dedicated Funding Stream

EPA can collect fees for both new and existing chemicals, as well as high-priority chemicals. These fees can be used to help cover the costs of all chemical reviews, regulations, and information management. And instead of going to the general treasury, they go directly to EPA.