

# CLIENT ALERTS

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## TSCA Reform Legislation Introduced

3.13.2015

On Tuesday, March 10, 2015, Sens. David Vitter (R-LA) and Tom Udall (D-NM) introduced long awaited legislation to reform the decades old Toxic Substances Control Act (TSCA) chemical regulation. Key provisions of this bi-partisan bill, also supported by the American Chemistry Council, Environmental Defense Fund, provide:

- Prevents EPA from considering non – health and safety risk considerations such as costs and benefits in making chemical safety evaluations
- Requires all chemicals to undergo safety reviews and requires those that cannot meet or otherwise be restricted so as to meet the safety standard be phased out or banned
- Requires a safety finding before new chemicals can be manufactured or introduced in commerce
- Requires protection of vulnerable populations such as infants, children, pregnant women, workers and the elderly who may be vulnerable due to elevated exposure or heightened susceptibility to a chemical's effects
- Authorizes EPA to issue orders to require chemical testing rather than requiring EPA to go through rulemaking
- Sets deadlines for all major actions, including a two year deadline for establishing policies, procedures and guidance
- Sets limits on claims for confidentiality of business information
- Pre-empts state action after January 1, 2015 on chemicals EPA determines meet safety standards, but preserves state action taken on chemicals prior to January 1, 2015

While widely supported by industry, as well as some environmental groups such as the Environmental Defense Fund, others believe the bill overly restricts a state's right to protect citizens against what it deems a harmful chemical and allows

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low priority chemicals to be manufactured and marketed without being fully assessed. On Thursday, March 12, 2015, Sens. Barbara Boxer (D-Calif.) and Ed Markey (D-Mass) introduced their own competing bill entitled The Alan Reinstein and Trevor Schaefer Toxic Chemical Protection Act, which would expand states' rights to regulate harmful chemicals and require EPA to quickly consider a ban on asbestos.

If you would like more information about the foregoing or any other environmental law needs, please feel free to contact one of the following members of Butzel Long's Energy & Sustainability Practice Team lawyers:

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