

A Comparison of Proposed Reforms to the Toxic Substances Control Act

Is the Proposed Legislation Stronger or Weaker than Current Law?		
Toxic Substances Control Act of 1976 (TSCA)	Chemical Safety Improvement Act (CSIA) S. 1009	Chemicals in Commerce Act (CICA) House Discussion Draft
Applies a safety standard that's not strictly health-based, but includes costs	Status Quo	Status Quo
Fails to ensure protection of vulnerable populations	Status Quo	Status Quo
§4. <i>Any</i> chemical can be subject to toxicity testing by rule, upon certain findings	WEAKER	WEAKER
§5. Limited ability to review new chemicals for safety	WEAKER	WEAKER
Limited authority to restrict chemicals in products	Status Quo	WEAKER
§6. Very limited authority to restrict existing chemicals	SIMILAR Heavy Burden	SIMILAR Heavy Burden
§18. Balances state and federal authority; triggers preemption when EPA acts	WEAKER	WEAKER
Doesn't create a " low priority " category to shield chemicals from review	WEAKER	WEAKER
§14. Maintains excessive secrecy about chemicals	WEAKER	WEAKER
Fails to require expedited action for substances of very high concern, e.g. PBTs	Status Quo	Status Quo
Fails to require EPA to determine the safety of <i>any</i> chemicals in commerce	PROMISES MORE, <i>but ...</i> Still no minimum number of safety determinations.	PROMISES MORE, <i>but ...</i> Still no minimum number of safety determinations.

Both Bills would Weaken or Maintain Flawed Existing Law

If enacted as drafted, both the *Chemical Safety Improvement Act* (S.1009) and the *Chemicals in Commerce Act* (House Discussion Draft) would be worse than current law, and endanger public health and the environment. Both TSCA reform bills would:

1. Abandon the consensus for a strictly health-based safety standard

Both bills apply current TSCA's failed safety standard, which sacrifices health protection in favor of industry costs and benefits. Neither requires that chemicals be safe for human health.

2. Fail to protect pregnant women and children from toxic chemicals

Neither bill requires EPA to determine that a chemical meets a safety standard that protects vulnerable populations, only that such susceptible groups be "considered."

3. Narrow the universe of chemicals that can be tested for toxic effects

Now, EPA can require *any* chemical to be tested through a federal rule. The bill restricts EPA testing authority to a much smaller number of "high priority" chemicals and offers a simpler process – a federal order – only for that smaller group.

4. Weaken the review of new chemicals

Both bills strip the authority that EPA now has to extend the 90-day review period and to order additional testing for health hazards before manufacturing of a new chemical commences.

5. Maintain an onerous burden on EPA's ability to restrict unsafe chemicals

Both bills create legal burdens for EPA similar to those in the current law that prevented EPA from regulating asbestos.

6. Violate states' rights to protect their citizens from toxic chemicals

Both bills would take away current state authority to protect public health from chemical risks even in the absence of meaningful EPA action.

7. Treat thousands of chemicals as safe without "safety determinations"

Both bills direct EPA to designate potentially thousands of chemicals as "low priority" even though they have not undergone a full safety review. These "low priority" chemicals are then exempted from testing or regulation at both the state and federal level.

8. Maintain a veil of secrecy over critical chemical information

Both bills explicitly allow companies to hide the identity of the chemicals linked to toxic health effects for the first time.

9. Fail to require expedited action on chemicals of high concern

Unlike in several states & Europe, neither bill has a fast track to phase out the worst chemicals.

10. Fail to require a minimum number of safety determinations or provide sufficient resources to EPA to run a strong program to regulate chemicals