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DEPARTMENT OF
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Minnesota Pollution Control Agency

States' leaders urge Congress to fix federal toxic law

OLYMPIA— A group of environmental leaders from the states of California, Illinois, Oregon, Maryland, Minnesota, Vermont and Washington today commended Sen. Frank Lautenberg, D-New Jersey, for introducing comprehensive legislation that reforms the 35-year-old Toxic Substances Control Act (TSCA).

TSCA is the primary federal environmental law that regulates the safety of the many tens of thousands of chemicals used every day in the United States. The federal law is outdated, ineffective and badly in need of an overhaul.

“We need a fix at the federal level so that we don’t have to do this in the states,” said Ted Sturdevant, Director of the Washington State Department of Ecology. “States have limited resources and lack the tools of federal agencies to drive a national program. However, until we have a national solution, we will continue to act on chemical safety concerns in our states.”

In the absence of an effective federal chemical safety law, states have provided leadership in the effort to advance sound chemicals management policy. Many states have passed their own chemical management legislation. During the past eight years, for example, 18 states have passed legislation ranging from comprehensive chemical safety laws to bans on specific high-risk chemicals.

States increasingly have had to grapple with the unintended consequences of unsafe chemicals in commerce. Of particular concern are persistent bioaccumulative toxins, known as PBTs.

“It would be tremendously beneficial to have federal action on the ‘worst of the worst’ chemicals,” said Paul Aasen, Minnesota Pollution Control Agency Administrator. “TSCA reform can be the driver to phase out these chemicals and to spur new green chemicals that are protective of human health and the environment.”

State regulators support changes to the current law that would, among other things:

- Give EPA the authority to establish chemical safety standards and to take risk management actions when chemicals fail to meet those standards.
- Shift the burden to industry to demonstrate that chemicals meet safety standards.
- Make available to the public more data and information now claimed as confidential.

- Permit the sharing of confidential information with state regulators.
- Provide for an enhanced state role in implementing the federal law and improved state/federal coordination.

Linda Adams, Secretary of California EPA, said: “In the absence of a unifying approach, interest groups and policy makers have been attempting to take these issues on one-by-one. We need a coordinated, comprehensive national strategy. As we work toward these national reforms, California will continue to move ahead with its comprehensive green chemistry policy.”

David Mears, Commissioner of the Vermont Department of Environmental Conservation, said: “We look forward to sharing our collective experience and expertise with chemicals management at the state level to help shape an effective federal solution.”

Robert Summers, Acting Secretary of the Maryland Department of the Environment, said: “Protecting people and the environment from exposure to toxic chemicals is an important responsibility. We need a strong state/federal partnership in this effort. The introduction of the Safe Chemicals Act of 2011 by Sen. Lautenberg and his co-sponsors is a big step forward toward that end.”

When passed, TSCA grandfathered in more than 60,000 chemicals. In 35 years, only 200 of these have been tested for safety. According to the U.S. Environmental Protection Agency, the total reported production volume of chemicals imported and manufactured in the U.S. is 26.9 billion pounds each year.

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