

Considering TSCA Reform Preserving States Authority



Spokane River Regional Toxics Task Force Workshop
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Frank R. Lautenberg Chemical Safety for the 21st Century Act

- 2016 Conference Committee Action
- States Issue:
 - Preserve State
Authority



TSCA Reform is Needed

- Senate –S. 697
 - Creates Safety Assessments, Safety Standards, Safety Determinations
 - EPA identifies 10 High Priority Substances per year with 25 maximum and 10 Low Priority Substances with 25 maximum
 - States are pre-empted when EPA begins an assessment
 - Develops a Sustainable Chemistry Program
 - Sets a fee
- House—H.R. 2576
 - EPA conducts 10 or more Risk Evaluations per year
 - States are pre-empted when EPA finds a substance poses no unreasonable risk
 - EPA publishes a list of Persistent, Bioaccumulative and Toxic Substances
 - Sets a fee

TSCA reform will provide necessary, but modest improvements

States TSCA Letter – February 8, 2016



February 8, 2016

The Honorable Mitch McConnell
Senator Majority Leader
317 Russell Senate Office Building
Washington, DC 20510

The Honorable Harry Reid
Senate Minority Leader
522 Hart Senate Office Building
Washington, DC 20510

The Honorable James Inhofe
Chairman
Senate Committee on Environment and
Public Works
205 Russell Senate Office Building
Washington, DC 20510

The Honorable Barbara Boxer
Ranking Member
Senate Committee on Environment and
Public Works
456 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Paul Ryan
Speaker of the U.S. House of Representatives
1233 Longworth House Office Building
Washington, DC 20515

The Honorable Nancy Pelosi
Democratic Leader of the U.S. House of
Representatives
233 Cannon House Office Building
Washington, DC 20515

The Honorable Fred Upton
Chairman
House Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515

The Honorable Frank Pallone
Ranking Member
House Committee on Energy and Commerce
2322A Rayburn House Office Building
Washington, DC 20515

Dear Senators McConnell, Reid, Inhofe, and Boxer and Representatives Ryan, Pelosi, Upton,
and Pallone,

As state environmental commissioners, we write to urge that any enrolled bill amending the
Toxic Substances Control Act (TSCA) preserves states' authority. Our mission is to protect
citizens and the environment from toxic chemicals, especially when no federal safeguards exist
to address such threats. We applaud your bipartisan commitment and actions by members to
work with states to craft TSCA reform legislation that includes a well-functioning State-Federal
Partnership.

- 8 States Letter
- CA, WA, CT, MN, NH, NY, OR, WV
- Supports states-federal partnership.
- Preserve states' authority.

TSCA Reform – Why it matters to the States

- Timing of Preemption
 - House bill allows states to create and enforce protections until U.S. EPA issues a final rule.
 - Eliminate the “regulatory pause” in Senate bill.

State Priority Issues

- Senate Waiver Provisions
- Preservation of State laws
- Utilization and collection of fees

State Priority Issues

- Share Confidential Business Information with states
 - First Responders
 - State Agencies
- State Grants for technical assistance
- Sustainable Chemistry Funding



Considering New Directions in Washington State Chemicals Policy

So, even after TSCA reform...

**... we will continue to develop a
broader Safer Chemicals Strategy**

First Step: Reframe the Chemicals Problem

- **Shift from a focus on controlling hazardous chemical risks to a focus on converting the chemicals market and chemical industry to safer chemicals.**
- **Address the chemicals economy as a chemical production and consumption system and locate the most promising levers for change.**

Why focus on the Chemical Economy?

- Hazardous chemicals are the result of economic determinants
 - price, performance, competition, production efficiencies
- More fundamental solutions to the chemical problem can be achieved by examining the function and role hazardous chemicals play in the economy
- Raises questions, like:
 - What is the function of this chemical?
 - Is it necessary?
 - What other chemicals and functions are linked to this chemical?
 - Are there preferred alternatives to this chemical?

Principles for a Safer Chemicals Strategy

- **Comprehensive**—covers all chemicals
- **Transparent**—increases chemical information and public knowledge
- **Participatory**—engages multiple parties

- **Hazard-based**—focuses on intrinsic properties
- **Transformative**—transitions from high hazard to lower hazard substances
- **Innovative**—encourages research and green chemistry

Building Blocks for a Safer Chemicals Strategy

1. Set Goals and Plans

2. Characterize and Classify All Chemicals

3. Generate and Make Accessible Chemical Information

4. Work in Economic Sectors

5. Prioritize Chemicals

6. Accelerate Substitution with Safer Alternatives

7. Promote Safer Alternatives

Methods for Assessing Alternatives

Alternatives Assessment Frameworks

Models:

WA State AA Guide

TURI/Lowell Center Framework

EU-ECHA Framework

Biz-NGO AA Framework

IC2 AA Framework

California Safer Consumer Product
Regulation

NAS Chemical Alternatives Framework



We can solve the Chemicals Problem

We can have a vibrant, productive and safer economy

Northwest Green Chemistry

- Workshops and technical assistance
- Safer Chemicals Champion's Awards



www.nwgreenchemistry.org