



NEWS FROM The United States Senate

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The Frank R. Lautenberg Chemical Safety for the 21st Century Act

After almost two years of deliberations and negotiations with interested senators and stakeholders, Senators Tom Udall and David Vitter will introduce the new version of the Chemical Safety Improvement Act (S.1009) that was introduced in 2013 by Senators Frank Lautenberg and David Vitter.

The legislation has been the subject of a hearing, stakeholder meetings, and deliberations with all affected communities. Several senators have weighed in on pieces of the legislation and affected the final product. In February 2014, 11 Democratic Senators wrote a letter asking for improvements on the health and environmental portions of the bill. Every issue raised was addressed.

The bill is a sincere effort at compromise to fix a broken chemical regulatory program. The Toxic Substances Control Act was passed in 1976 and is the last remaining landmark environmental legislation that has not been amended or reformed (Clean Air Act, Clean Water Act, Safe Drinking Water Act, etc.). Instead, it was eviscerated by a 1991 court case when the Environmental Protection Agency (EPA) failed to ban asbestos.

Americans deserve regulatory certainty that the EPA is overseeing the safety of our chemicals in commerce. This legislation does that.

Core Provisions

➤ *Strengthens the Safety Standard*

- Mandates that EPA base chemical safety decisions solely on considerations of risk to public health and the environment. The legislation makes clear that costs and benefits may not factor into a chemical safety evaluation.
- Eliminates the Toxic Substances Control Act's (TSCA) "least burdensome" requirement for regulating a chemical, which prevented EPA from banning asbestos.

- ***Mandates safety reviews for new and existing chemicals***
 - Requires that all chemicals in commerce, including those "grandfathered" under TSCA, undergo safety reviews.
 - Requires a safety finding for new chemicals before they can enter the market.
- ***Strengthens Protections for the Most Vulnerable***
 - Places greater emphasis on and requires protection of those who may be more exposed or particularly vulnerable to the effects of exposure to chemicals, and clearly defines them for the first time as including *infants, children, pregnant women, workers and the elderly*.
- ***Sets Aggressive and Attainable Deadlines***
 - Imposes at least 15 deadlines for EPA action, developed with input from the Agency.
- ***Creates additional requirements and sets reasonable limits on Confidential Business Information claims***
 - Requires that confidentiality claims be substantiated up front and imposes a 10-year, renewable time limit on such claims.
 - Requires EPA to review claims that protect the identities of chemicals in commerce.
- ***Preserves Existing Private Rights of Action***
 - Clarifies that the existing right of Americans to sue and seek damages when they believe harm has been done is not affected by the bill.
 - Makes clear that nothing in the bill affects the ability of litigants to obtain confidential information in a judicial proceeding.
- ***Balances State and Federal Regulations***
 - Grandfathers in state regulations on chemicals enacted prior to Jan. 1, 2015.
 - States can act to restrict a chemical until and unless EPA takes up that same chemical and addresses the same uses.
 - State actions that do not restrict a chemical or are taken to address a different problem are not affected.
 - Includes a waiver process for states to set different regulations than EPA during the safety assessment and after a final rule.
 - Once EPA acts on a chemical substance, a uniform federal standard is applied across the nation, which creates more regulatory certainty and equally protects citizens across the country.