

## **Legal Lookout: 2008 Outlook for Chemicals and Pesticides**

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*A summary outlook on trends and developments in EPA's regulation of chemicals and pesticides in 2008*

With this being an election year, little legislation is expected to be considered during 2008 on the environmental front. Endocrine disruptors, however, will be a main subject of review in 2008. EPA seeks to impose the initial screening test requirements on a number of pesticides before the end of this year. Any test results will then be considered by the next administration, but even before that, the selection or removal from the list of pesticides to be tested may itself become controversial.

Although required to be started years ago under the Food Quality Protection Act, EPA is only now articulating the process planned to be used to issue testing orders for the first proposed list of chemicals and all pesticides.

The comment period remains open on the first list, which will undoubtedly include criticism of the methods EPA used to select particular pesticides. There remains a concern that any on this first list, however described as merely a list of testing requirements, could lead to misrepresentation that the list is one of per se harmful substances. The agency has carefully crafted its messages to avoid such an outcome, but the issuance of the final list will be another opportunity for challenging media coverage.

### **TSCA and other chemical regulatory activity**

EPA is expected to roll out the Nanoscale Materials Stewardship Program (NMSP) in early 2008. Many will wait to see what kind of response the voluntary program draws before declaring the program a success, or alternatively, concluding that the NMSP met with the same response as the U.K. Department for Environment, Food and Rural Affairs voluntary program, ensuring its fate as a failed voluntary program.

Another issue of note includes implementation of Global Harmonization of Classification and Labeling of Chemicals (GHS), but it is unclear how global commitment to achieve GHS by 2008 will impact EPA in practice.

The Department of Homeland Security (DHS) will generate interest in 2008. The department plans to propose standards for the use of third-party auditors to conduct audits and inspections under its Chemical Facility Anti-Terrorism Standards found in 6 C.F.R. Part 27.

### **TSCA chemical testing**

EPA is expected to continue negotiating enforceable consent agreements, or ECAs, for the remaining hazardous air pollutants under the TSCA Section 4 test rule. The agency plans final action on the rule addressing chemicals that were not the subject of voluntary agreements in late 2008.

The Office of Prevention, Pesticides and Toxic Substances expects to propose a second Section 4 test rule under TSCA in early 2008 that will require testing for a number of high-production volume (HPV) chemicals that were not sponsored as part of the voluntary HPV

Challenge Program. EPA also will continue in 2008 to evaluate data submitted on chemicals through the HPV Challenge Program and develop HPV Chemical Hazard Characterizations on selected HPV chemicals.

EPA also is expected to take final action on its proposed Significant New Use Rule (SNUR) for certain perfluoroalkyl sulfonates (PFAS) under TSCA Section 5(a)(2) not addressed under the March 2002 PFAS SNUR.

The year could be busy and interesting. Pollution Engineering readers should stay engaged and be prepared for anything aselection years are hard to predict. PE

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