



MEMORANDUM

Via E-Mail

DATE: September 29, 2009
TO: Clients and Friends
FROM: The Acta Group, L.L.C.
RE: ACS Holds Briefing on TSCA Reform

Today the American Chemical Society (ACS) held a briefing intended to provide a forum to explore the perspectives, roles, and activities of various stakeholders regarding reform of the Toxic Substances Control Act (TSCA). E. Donald Elliott, Willkie Farr & Gallagher LLP, moderated the panel, which included Andy Ingrejas, Safer Chemicals, Healthy Families; Sarah Brozena, American Chemistry Council (ACC); Roger McFadden, Staples; Kenneth Zarker, Washington State Department of Ecology; and James Gulliford, former Assistant Administrator for the U.S. Environmental Protection Agency (EPA) Office of Prevention, Pesticides, and Toxic Substances. According to information provided at the briefing, Senator Frank R. Lautenberg (D-NJ) intends to introduce in the next few weeks TSCA reform legislation, and to hold hearings after that.

In August 2009, Safer Chemicals, Healthy Families, a coalition of health and environmental organizations, announced its requirements for reforming TSCA. At the same time, ACC released "10 Principles for Modernizing TSCA."¹ Ingrejas and Brozena summarized these recommendations during their presentations. McFadden provided examples of questions

¹ The Safer Chemicals, Healthy Families platform is available at <http://www.edf.org/pressrelease.cfm?contentID=10289>, and ACC's 10 Principles are available at <http://www.americanchemistry.com/TSCAPrinciples>. More information regarding their recommendations is available in our August 4, 2009, memorandum, which is available at <http://www.actagroup.com/updates/080409-tsca.pdf>.



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that retail and business supply chain consumers are beginning to ask retailers and product providers, including:

- What chemicals of concern are in the products that you offer?
- Have you eliminated the worst chemicals and replaced them with safer alternatives while committing to continuous improvement on the others?
- Do you fully disclose chemicals and/or ingredients in your product?
- How can we recognize a product made from safer and/or greener alternatives?
- Who is accountable for the quality, accuracy and comprehensiveness of the chemical information being provided for your product?

Gulliford recommended actions that EPA could undertake now, without waiting for Congress to pass legislation reforming TSCA, including:

- Reset TSCA Chemical Inventory;
- Inventory Update Reporting Rule;
- Continued work on priority chemicals:
 - Chemical Assessment and Management Program (ChAMP) screening tool;
- Nanotechnology:
 - Nanoscale Materials Stewardship Program
 - Organization for Economic Cooperation and Development data sets;



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- Funding; and
- Green Chemistry/Pollution Prevention.

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We hope this information is helpful. As always, please call if you have any questions.