

The Trump Administration and global chemical issues

This article reviews the Trump Administration's engagement, to date, in key industrial chemical matters, domestically and internationally.

TSCA

Implementation of TSCA's legislative do-over in 2016 has been the focus of considerable EPA attention. A few observations can be made at this early stage. First, TSCA's core approach to chemicals management is unchanged. Chemicals remain subject to regulation based on the identification of "unreasonable risk," and not identified chemical hazards, the driver of the precautionary principle that fuels the REACH regulation. Second, changes to TSCA's Section 5 new chemicals program have diminished the commercialization of new chemicals without restrictions, and slowed chemical innovation. Third, animal testing alternatives are now preferred, and new testing will flourish and potentially replace slower and less humane testing strategies.

The International Scene: chemical initiatives

What, if anything, can be discerned at this early stage regarding the Administration's engagement in global chemical management initiatives? A few points warrant mention here.

SAICM: Industrial chemical initiatives are grounded principally in two programs managed under the auspices of the UN: the UN Environment Program "Strategic Approach to International Chemicals Management" (SAICM) and the UN 2030 Agenda. SAICM is voluntary, stakeholder-based, and includes 175 governments including the U.S., 85 NGOs, and representatives from industry and civil society. SAICM was adopted by the International Conference on Chemicals Management in 2006, the mandate for which expires in 2020. Key objectives include: risk reduction, knowledge and information, governance, capacity-building and technical cooperation, and illegal international traffic.

Given the fast approaching 2020 expiration date, whether SAICM should continue is the subject of debate. SAICM has been considered a success by many, as measured in terms of providing a venue where stakeholders are able to meet, collaborate, and benefit from its voluntary, stakeholder-based structure. Others point to the fact that the 2020 goals have not been achieved, suggesting that a legally enforceable framework is needed. U.S. industry would likely not favor a legally binding construct that resembles REACH, an option being considered and discussed. The Trump Administration, reflecting the U.S. chemical industry's wishes, can be expected to support extending SAICM in its current form and continuing U.S. participation in it. A U.S. presence would be viewed as prudent and potentially necessary in challenging proposals that might be advanced by advocates of a more REACH-like chemicals management approach.



2030 Agenda for Sustainable Development: Under the U.N. 2030 Agenda, 17 Sustainable Development Goals (SDG) have been designed to "free the human race from the tyranny of poverty and want and to heal and secure our planet." The goals are:

The Business and Sustainable Development Commission (BSDC), launched in Davos, Switzerland in January 2016, seeks to map the economic benefits that could be available to the global business community if the SDGs are achieved. The BSDC is part of the World Business Council for Sustainable Development (WBCSD), a CEO-led global advocacy association consisting of over 200 organizations that address business and sustainable development. The BSDC's 37 members include leaders from business, finance, civil society, labor, and international organizations.

While EPA's direct participation is unclear, U.S. chemical stakeholders recognize that much of the work necessary to achieve the ambitious goal of achieving the SDGs falls on the private industrial sector. The WBCSD is preparing a report on this topic, tentatively titled Chemical Industry Contributions to the UN SDGs, expected out in draft soon. The contents of this report will provide a clearer line of sight on how industry intends to achieve the SDGs.

Ratification of the Stockholm Convention: A stated priority of the U.S. chemical industry in 2017 was ratification of the Stockholm Convention on Persistent Organic Pollutants. While most of the original chemicals under the convention included pesticides, more recently the Persistent Organic Pollutants Review Committee has focused on industrial chemicals. Industry stakeholders have expressed concern that without U.S. ratification, European and Nordic country influence on chemical selection could adversely impact the global chemicals market and promote hazard-based regulatory approaches. There has been no recent legislative effort in the U.S. to ratify the convention. When and how U.S. legislation might advance to assure ratification, especially in an election year, is unclear.

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