



MEMORANDUM

Via E-Mail

DATE: October 7, 2009

TO: Clients and Friends

FROM: The Acta Group, L.L.C.

RE: Groups Sponsor Conference on the Future of U.S. Chemicals Policy

On October 6, 2009, environmental, consumer, and industry associations hosted a conference entitled "The Future of U.S. Chemicals Policy." Sponsors included the Environmental Working Group, Rachel's Network, The Pew Health Group, Community Against Pollution, The Louisiana Bucket Brigade, American Chemistry Council, Grocery Manufacturers Association (GMA), Turner Foundation, Soap and Detergent Association (SDA), and Consumer Specialty Products Association (CSPA). U.S. Environmental Protection Agency (EPA) Administrator Lisa Jackson spoke at the conference, and stated that, while EPA supports revisions to the Toxic Substances Control Act (TSCA), until Congress enacts TSCA reform, EPA will pursue enhancements to its current chemicals management program. Jackson announced the enhancements on September 29, 2009, and more information is available on the Internet at <http://www.epa.gov/oppt/existingchemicals/pubs/enhanchems.html>. A webcast of the October 6, 2009, conference is available at <http://www.ustream.tv/recorded/2293176>.

During the conference, CSPA, GMA, and SDA proposed eight "building blocks" intended to help guide Congress in developing TSCA reform legislation. The building blocks include:

- 1) Promote Innovation -- TSCA reform should boost confidence in government chemical management and promote even greater innovation by chemical manufacturers and users;



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- 2) Review Priority Chemicals -- EPA should establish a system to identify and review quickly “priority” chemicals based upon both hazard characteristics and exposures, including exposures to children;
- 3) Provide Adequate Use, Exposure and Toxicity Information -- EPA should work with chemical manufacturers and users to ensure that EPA has timely and adequate information of chemical hazards, exposures, and uses, including uses in children’s products;
- 4) Update the Safety Standard -- EPA should establish a risk-based methodology to determine whether a “priority” chemical is reasonably expected to be safe for its intended use. Safety determinations should consider the effects of exposure to children and other sensitive populations;
- 5) Clarify Risk Management Tools -- EPA should have clearer risk-based authorities to specify risk management measures that will ensure that chemicals of concern are reasonably expected to be safe for their intended uses;
- 6) Leverage and Integrate Chemical Reviews -- Policymakers should take steps to leverage the chemical management programs undertaken by other nations and to integrate the patchwork quilt of laws governing chemical management;
- 7) Meet Deadlines -- Policymakers should provide EPA with adequate resources and clear authorities to establish and meet deadlines to carry agency work under TSCA; and
- 8) Use the Best Available Science -- Policymakers should ensure that EPA relies upon the best available science regardless of its source.

Both non-governmental organization (NGO) groups and trade associations noted the “alignment” of the general principles suggested to underpin any TSCA amendments. At the same time, the speakers also noted that the details of any specific proposals will be central to any support they might give to specific legislation. Almost every speaker commented that not only was this initial convening of interested (and often disagreeing) groups helpful, but that continued



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dialogue was desirable to attempt to close, or at least move closer, to an affirmative consensus on some or all elements of an amendment package.

The overall tone of the discussion throughout the day was that consensus was possible, and that further attempts to reach that consensus were desirable. No specific plans for further meetings or discussions were made at this time. Also, no speaker indicated any particular expectation for the arrival date of the next iteration of legislation to be offered by the Members of Congress most historically involved with the subject (Senators Barbara Boxer (D-CA) and Frank R. Lautenberg (D-NJ), and Representative Henry Waxman (D-CA)), although the particulars of such legislation will likely dictate whether consensus between the two camps is likely to be achieved.

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