

Risk Policy Report

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Activists Say TSCA Reform Necessary For New Risk Assessment Methods

Public health advocates and environmentalists say that legislative reform of the Toxic Substances Control Act (TSCA) is vital to give EPA authority to implement key changes designed to modernize the risk assessment process, changes proponents say are vital to accommodate new challenges in regulatory testing of chemicals.

"Now is the perfect time," to begin taking steps to implement a major change to EPA's approach of conducting risk assessments, Tracey Woodruff, director of the University of California, San Francisco's Program on Reproductive Health and the Environment, said at a Sept. 15 Capitol Hill briefing on TSCA reform. The event was sponsored by toxics law reform proponents the Safer Chemicals, Healthy Families Coalition and Rep. Janice Schakowsky (D-IL).

Woodruff said there has been a "gathering of the sciences" with experts unified in calls for an overhaul in how chemical testing is conducted. EPA has acknowledged the need to modernize its risk assessment process, asking the National Research Council (NRC) for recommendations on improving the process.

NRC in December 2008 published the recommendations of its panel in a report called *Science and Decisions: Advancing Risk Assessment*, known as the "Silver Book." The report includes recommendations intended to break the paralysis of the existing risk assessment process. But activists at the briefing said legislative changes are necessary to adopt some of the recommendations.

Passing TSCA reform legislation is a vital first step to implementing major changes to EPA's risk assessments, Environmental Defense Fund senior scientist Richard Denison said at the event.

Rep. Henry Waxman (D-CA), chair of the Energy & Commerce Committee, and Rep. Bobby Rush (D-IL) have introduced TSCA reform legislation in the House, while Sen. Frank Lautenberg (D-NJ) has introduced a similar reform measure in the Senate. However, the House energy panel has not yet voted on the lower chamber's bill and the Senate bill is yet to receive a markup in the Environment & Public Works Committee.

But prospects appear to be dwindling for passage of the bills in the 112th Congress, and EPA toxics chief Steve Owens has said it is "unlikely" that TSCA reform will clear Congress this year.

Nevertheless, Denison said at the briefing that the pending TSCA reform bills include key provisions that, if they became law, would help to overhaul and improve the risk assessment process. The House bill, for example, addresses cumulative exposures to toxic chemicals or mixtures of toxic chemicals and mandates that EPA take those factors into account when applying safety standards — something EPA does not currently do.

Thomas Burke, chairman of the NRC panel that produced the Silver Book, at the Capitol Hill briefing discussed the panel's recommendations that EPA account for the combined risks posed by exposures to multiple toxic substances in the agency's risk assessments to better imitate "real life" exposures to pollutants.

The risk assessment process is one that "has been locked down" for nearly two decades, and implementing a shift away from that will require new efforts to legislate science, Denison said.

The House TSCA reform proposal, H.R. 5820, mandates that EPA rely on the NRC report in constructing a guidance for the use of science in making safety determinations of chemicals.

The Senate bill, S. 3209, also references the NRC's report, requiring EPA to "use the best available science when conducting an assessment," and to consider the report on "ways to better protect people, including pregnant women, infants, children, and other vulnerable populations from harm by exposure to toxics."

Woodruff meanwhile drew a parallel between TSCA reform proposals and the Food Quality Protection Act (FQPA) of 1996, which was responsible for legislating changes in the process for conducting pesticides testing to address cumulative exposures, similar to what the TSCA bills' proponents aim to accomplish for industrial chemicals. Woodruff said prior to FQPA's passage, EPA assessed only exposures from food use when making decisions about approving single use pesticides. The legislation now mandates that the agency must consider not only exposures from additional food uses, but also those from other media, such as drinking water or pet products, and cumulative exposures from other chemicals that share common endpoints. The FQPA legislation incorporates many of the recommendations made at the time by an NRC committee on Pesticides in the Diets of Infants and Children, Woodruff said.