

12-16

STATEMENT OF POLICY

Chemical Policy Reform

Policy

The National Association of County and City Health Officials (NACCHO) supports national, state, and local resources, policies, regulations, programs, and research that will enhance local health departments' abilities to ensure that the public's health is accounted for in the production, management, and disposal of chemicals in all communities.

NACCHO supports the following policies and actions:

Full implementation of the [Frank R. Lautenberg Chemical Safety for the 21st Century Act](#) which amended the Toxic Substances Control Act (TSCA). The new law, which received bipartisan support in both the U.S. House of Representatives and the Senate, includes much needed improvements such as:

- Mandatory requirement for the Environmental Protection Agency (EPA) to evaluate existing chemicals with clear and enforceable deadlines;
- New risk-based safety standard;
- Increased public transparency for chemical information; and
- Consistent source of funding for EPA to carry out the responsibilities under the new law.

- Congress should authorize and encourage greater oversight and involvement by the Agency for Toxic Substances and Disease Registry (ATSDR) and EPA to reduce chemical exposures and strengthen TSCA to reflect 21st century public health threats;
- Congress should recognize the role of local health departments in protecting the public from chemical exposure and working to mitigate exposures to hazardous materials;
- Congress should create a mechanism to collect data and categorize patterns of disproportionate exposure and associated negative outcomes and to consult with local health officials regarding patterns of exposure;
- ATSDR and EPA should coordinate with local governments on an ongoing basis to share data, priorities, and training relating to the management of chemical substances.

NACCHO also supports:

- The implementation of the Action Agenda for the National Conversation on Public Health and Chemical Exposures, a public engagement initiative to help government agencies and other organizations strengthen their efforts to protect the public from harmful chemical exposures;
- The development of legal requirements at the state and federal levels that require the generation, disclosure, and distribution by chemical producers of comprehensive



chemical production, use, hazard, and exposure information in forms that are appropriate for use by the public, workers, industry, small businesses, and government;

- State and federal support for assessments of chemicals in commerce to identify both those that pose potential or actual risks to human health and the environment and those that may serve as safer substitutes for chemicals posing risks to environmental public health;
- Local, state, and federal efforts to efficiently assess the hazards of chemicals in commercial use and steadily reduce the production and use of chemicals of greatest concern to public health;¹ and
- Local, state, and federal policies that prevent, mitigate, or eliminate environmental burdens that disproportionately affect the health of some populations over others.²
- Changes in TSCA that will remove chemical manufacturer's ability to shield information about their products claiming trade secrets, except in the most rigorous circumstances.

Justification

Because decisions about chemical use can have a tremendous impact on the health of communities, local health departments can, through coordinated efforts with federal and state agencies, promote the sharing of data and priorities relating to the management of chemical substances. Local health officials are responsible for the health of the entire population they serve. This includes keeping people safe from chemical exposure and other health hazards. Local health departments are trusted sources of information and need reliable information to be able to respond to inquiries from the public. Local health officials also need to know how to prevent chemical exposure in order to educate the public about health hazards.

The U.S. chemical industry is a critical economic sector that designs, produces, and imports 42 billion pounds of chemical substances per day—substances that constitute the material base of society,³ with global production growing a projected four-fold by 2050.^{4, 5} Many of these chemicals, ultimately found in toys and everyday consumer and industrial products, are also known to be hazardous to human biology and the environment's ecological systems. Hundreds of these same chemicals are now found, in studies by the Centers for Disease Control and Prevention and others, to accumulate in human tissues, including breast milk and the cord blood of infants.^{6, 7}

The TSCA of 1976 (P.L. 94-469), the federal statute broadly intended to enable regulation of chemicals both before and after they enter commerce, has fallen short of its objectives, according to multiple independent analyses by the National Academies of Science,⁸ the Government Accountability Office,^{9, 10} Congress,¹¹ the University of California,¹² and other experts.^{13, 14} TSCA consequently fails to serve as an effective vehicle for the public, industry, or government to *assess* the hazards of chemicals in commerce or *control* those of greatest health concern. TSCA therefore also fails to motivate U.S. industry to innovate or invest in cleaner technologies, such as in “Green Chemistry” – a term and approach well-defined in the scientific literature, and endorsed by the American Chemistry Society.¹⁵

Approximately 62,000 chemicals are on the market. The burden of proof is on the EPA to prove that a chemical is causing harm and presents an “unreasonable risk” instead of requiring chemical companies to prove that their chemical is safe. Additionally, legislation enables

chemical producers to label any of their products' information submitted to the EPA as trade secrets. Consequently, the chemical industry claims that 95 percent of their chemicals are trade secrets, which prevents the EPA from disclosing any of the secret information with the public, state or local governments, or any foreign governments.¹⁶

The U.S. chemicals market consequently operates primarily on the basis of economics (chemical price, function, and performance), with much less attention to health (human and eco-toxicity). These market conditions have failed to safeguard health and have instead produced a set of chemical problems for children, workers, the public, ecosystems, government, businesses, and industry that will deepen, concomitant with expanding global chemical production. These problems include not only body fluid contamination but also development of chronic diseases and premature death related to chemical exposures in the workplace;¹² disproportionate chemical exposure risks visited upon members of minority, immigrant, and low-income communities, as residents¹⁷ and workers; and the projected need for cleanup at enormous cost of an estimated 600 new hazardous waste sites appearing each month in the United States over the next 25 years.¹²

The U.S. federal government to date has not acted to reform the failing U.S. chemical regulatory system to correct long-standing chemicals policy weaknesses and implement a modern, comprehensive approach to chemicals policy that better protects the public from exposures to toxic chemicals.

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Record of Action

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