

EPA takes first step in filling nanotech information gaps

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The U.S. Environmental Protection Agency (EPA) published today in the Federal Register its plan for the Nanoscale Materials Stewardship Program under the Toxic Substances Control Act (TSCA). The plan takes a positive first step by offering industry, non-governmental organizations and other groups the opportunity to voluntarily submit safety data on engineered nanoscale materials.

According to Project on Emerging Nanotechnologies (PEN) Director David Rejeski, "The information obtained under the stewardship program could help government officials develop a better understanding of the risks and benefits posed by the novel materials, but this voluntary program provides virtually no incentives for industry participation. Swift action is needed now to ensure public and market confidence in the safety of these materials. EPA officials first announced in June 2005 the agency's intention to launch the stewardship program, and at this point – almost three years later – the need for action is that much greater."

According to former EPA official and PEN senior advisor J. Clarence Davies, "Starting the stewardship program is a positive step toward filling in some of the information gaps facing the agency. But there should be an interplay between modifying TSCA, such as promulgating a significant new use rule for nanomaterials, and the voluntary program. A sequential approach will leave nanomaterials unregulated for far too long, and will also be less productive than if the two efforts proceed in tandem."



In its announcement of the voluntary program, EPA also notes that it will not change its policy on what constitutes a new chemical under TSCA. That policy, put forward last year, says the agency will not consider size when deciding when a chemical is a new chemical under TSCA – even though size is a determining factor in what constitutes a nanomaterial. If a substance is determined to be new under TSCA, it can result in extensive first-time testing to determine the risks posed by the substance.

Davies adds, "The agency's current oversight approach is inadequate to deal with nanotechnology. It is essential that EPA move quickly to recognize the novel biological and ecological characteristics of nanoscale materials. It can do this by using the 'new uses' provisions of TSCA, a subject not mentioned in the EPA's concept document. With the approach outlined by EPA and because of the weaknesses in the law, the agency is not even able to identify which substances are nanomaterials, much less determine whether they pose a hazard."

PEN science advisor Andrew Maynard added, "EPA's approach ignores the existing scientific research that suggests different nanostructures with the same molecular identity present different hazards."

In May 2007, Davies authored the first in-depth analysis of EPA's nanotech readiness, EPA and Nanotechnology: Oversight for the 21st Century. This PEN report is available at http://www.nanotechproject.org/124/.

The report recommends more than 25 actions that need to be taken—by EPA, Congress, the President, the National Nanotechnology Initiative, and the nanotech industry—to improve the oversight of nanotechnologies.

Source: Project on Emerging Nanotechnologies



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