

Federal toxics disclosure law could help inform public of nanotechnology risks

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The Project on Emerging Nanotechnologies (PEN) is releasing a first-time legal analysis that finds a key federal toxics reporting statute could be applied to production and commercialization of nanotechnology, providing the public with more information about these revolutionary -- yet still potentially risky -- technologies.

But before the Toxics Release Inventory (TRI) authorities can be applied to nanomaterials, in most cases more toxicological data must be developed to better understand the potential human health and environmental impacts of these cutting-edge technologies. The analysis, conducted by two noted environmental law experts, finds that federal authorities may need to be amended to address reporting thresholds that may not apply effectively to nanomaterials because of their unique characteristics.

"There needs to be development of additional toxicological data on nanomaterials, but in theory TRI could be applied to nanomaterials. The key question is whether EPA will make any determinations about whether particular nanomaterials constitute toxic chemicals," says Linda Breggin, one the authors of the analysis and Senior Attorney at the Environmental Law Institute.

The landmark analysis comes as over 40 environmental, consumer, labor and other groups are calling for regulation and disclosure of products containing nanomaterials, and as congressional lawmakers are considering legislation to expand reporting requirements for

environmental pollutants under TRI. Although currently proposed legislation does not specifically address nanomaterials, a public dialogue about the benefits and costs of TRI is underway that could include discussion of the program's application to nanomaterials, the new PEN analysis says.

At the local level the City of Berkeley, Calif., adopted in 2006 a disclosure ordinance that requires nanomaterial manufacturers to disclose the known risks of their products. Now Cambridge, Mass., is considering a similar ordinance, and other local governments may follow suit.

"If Cambridge passes an ordinance similar to Berkeley's, who knows how many other cities or other municipalities will follow"" says PEN Director David Rejeski. "Soon we could have a patchwork of cities across the country with nanotech disclosure ordinances, which is why environmental law experts should take the time now to make the decision as to whether TRI is a tool that can be used at the federal level to disclose nanomaterials' potential risks."

The report also emphasizes the importance of recognizing that several additional right-to-know or disclosure-related laws and initiatives should be explored as possible disclosure vehicles for environmental, health, and safety risks that could be associated with nanomaterials. The report also highlights the fact that additional research is required to determine whether application of TRI to nanomaterials should be pursued as a policy priority in the near term.

The report is available at:

www.nanotechproject.org/news/archive/toxics_law/

Source: Project on Emerging Nanotechnologies

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