

House approves bill to overhaul chemical regulation

June 24 2015, by Matthew Daly

The House on Tuesday approved a bipartisan bill that would update regulation of harmful chemicals for the first time in nearly 40 years.

The House vote, 398-1, moves the bill to the Senate, where a similar measure awaits a floor vote after winning approval from a Senate committee.

Both bills would set safety standards for tens of thousands of chemicals that now are unregulated. The bills also would offer protections for people, such as pregnant women, children and workers, who are vulnerable to the effects of chemicals and set deadlines for the Environmental Protection Agency to act.

If enacted into law, the bill would be the first significant update to Toxic Substances Control Act since the law was adopted in 1976.

Regulation of chemicals took on new urgency after a crippling spill in West Virginia last year contaminated drinking water for 300,000 people. The chemical, crude MCHM, is one of thousands unregulated under current law.

The House bill differs from the Senate version in a number of areas, including a provision that allows states to continue regulating [toxic chemicals](#) as long as the state law does not conflict with the federal statute.

Lawmakers in both chambers have struggled to find language acceptable to those seeking strong state regulation of [dangerous chemicals](#) while not creating a situation where industry faces 50 sets of rules for chemicals.

Rep. John Shimkus, R-Ill., lead sponsor of the House bill, said the measure was a long time in the making, noting that similar efforts have stalled in each of the last few years.

Shimkus, chairman of a House Energy and Commerce subcommittee on environment and the economy, said the bill "takes a common-sense approach" to protecting people from unsafe chemicals while setting reasonable standards for regulation.

"We want our constituents to be safe and we want markets to work. This bill delivers both," he said.

Rep. Paul Tonko of New York, senior Democrat on the environment and economy subcommittee, called the bill a significant improvement over current law.

"The public has too little information about the safety of chemicals they are exposed to every day in virtually every product they use," Tonko said. "Even in the face of overwhelming evidence of harm to people's health, EPA is unable to regulate exposure to toxic chemicals" such as BPA, formaldehyde, styrene and other hazardous substances. Current law is so weak that it even prevented EPA from completely banning deadly asbestos, Tonko and other supporters said.

Under the House bill, "industry gains a fair, predictable federal program for chemical regulation" that will inspire public confidence in the safety of their products, Tonko said, while "the public health and environmental communities gain a federal program in which EPA evaluates chemicals and acts to regulate" those it determines pose a risk

to health or the environment.

Rep. Anna Eshoo, D-Calif., warned that the bill did not adequately address legal ambiguities concerning how states may enforce their own chemical laws. Eshoo and other lawmakers said they worried that the bill could pre-empt aggressive regulation by states such as California, Vermont and Massachusetts that monitor chemicals closely.

The American Chemistry Council, an industry lobbying group, said in a statement that the House bill "will build confidence in the U.S. chemical regulatory system, protect human health and the environment from significant risks, and meet the commercial and competitive interests of the U.S. chemical industry and the national economy."

But Ken Cook, president of the Environmental Working Group, a nonprofit advocacy group, said the bill has an untested and ambiguous safety standard and fails to require tough deadlines for final agency action. Promised reviews of dangerous chemicals could languish if Congress does not approve adequate funds for the program, he said.

"Congress has neglected the problem of dangerous chemicals in consumer products for decades, to the great benefit of [chemical](#) industry profits," Cook said. "American families should not have to wait more decades for a regulatory system that aggressively protects their health from toxic chemicals."

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