



Business concerns with the Chemical Safety Improvement Act of 2013 (CSIA)

The American Sustainable Business Council (ASBC) applauds the bipartisan leadership of the late-Senator Lautenberg and Senator Vitter for working together to address the need to fix our broken system of protection from toxic chemicals. We are especially encouraged that this effort acknowledges our core belief that economic growth and protections for health and the environment are not at odds. We can and must provide safe, environmentally benign alternatives to hazardous chemicals and do so at a lower cost. This is what consumers want, and what is driving change in the industry and should guide the reform of the present Toxic Substances Control Act (TSCA). Reforming TSCA will spur innovation in cleaner and safer products, creating business profits and more jobs, enhancing safety in the workplace as it improves the health of our communities and environment.

As we continue to drill down into the details of the bill with input from more and more business leaders, we have identified several key issues that need to be addressed to ensure that the Chemical Safety Improvement Act of 2013 (CSIA) is effective in promoting safer chemicals and products and that it is meeting the needs of business.

Safer Alternatives

ASBC helped craft what became language for [Sec. 31](#) of the Safe Chemicals act "Safer Alternatives and Green Chemistry and Engineering." ASBC is concerned that this component that specifically supported Green Chemistry and Engineering research and development, included in the Safe Chemicals Act, has been omitted from CSIA. ASBC believes that Incentives are crucial to spur the innovation necessary to create safer chemicals, which in turn will grow business and create jobs.

Specifically, the Safe Alternatives Program in Sec. 31, calls for the expedited review of new chemical substances for which the manufacturer or processor submits an alternatives analysis indicating that the new chemical substance is the safer alternative for a particular use than existing chemical substances used for the same purpose. Additionally it provides support for research institutions to work with businesses to develop safer chemicals and processes.

Deadlines for EPA to act

ASBC would like to see more clarity on deadlines throughout the legislation. Currently, deadlines for rulemakings, prioritization decisions, and compliance with rules or orders are absent. Without clearer guidance, actions on a substance may languish and introduce uncertainty in the marketplace that has a negative financial impact on businesses.

High/Low Priority Determination & EPA Capacity

It is a significant step forward that CSIA mandates that all chemicals in commerce must be reviewed for safety and determined to be high or low priority. There is a concern, however, that industries opposed to reform have the capacity to flood the system with requests for low priority status using industry-favorable data, especially through the state “expedited process.” EPA would have to respond to such a request within 6 months. Industry could find a favorable state to submit a high volume of requests and impose a huge capacity burden on EPA. In addition, CSIA has no provision to create a revenue mechanism to pay for this increased workload. The Safe Chemicals Act establishes a system of fees and government appropriations for EPA. Federal budgets will be constrained for the foreseeable future. Without adequate resources, it is not clear how effectively EPA can accomplish these reviews. A provision should be included similar to the fee and appropriations authorization in [Sec. 23](#) and [Sec. 25](#) of the Safe Chemicals Act (S.696).

State Preemption

The provision on state preemption has the potential to slow down innovation for safer alternatives. States have been at the forefront of regulating harmful chemicals as a result of the current broken chemical safety system. In addition, states have the Constitutional obligation to protect the health, safety and welfare of citizens. The preemption language in CSIA runs counter to this obligation. We recommend that any preemption provision be triggered when EPA takes a final action on a substance, not at the point of prioritization.

CSIA bill: <http://thomas.loc.gov/cgi-bin/query/z?c113:S.1009>:

The American Sustainable Business Council and its member organizations represent more than 165,000 businesses nationwide, and more than 300,000 entrepreneurs, executives, managers, and investors. The council includes chambers of commerce, trade associations, and groups representing small business, investors, microenterprise, social enterprise, green and sustainable business, local living economy, and women and minority business leaders. ASBC informs and engages policy makers and the public about the need and opportunities for building a vibrant and sustainable economy. www.asbcouncil.org