

The Business Case for Comprehensive TSCA Reform

Leading companies from electronic manufacturers to health care providers are highly motivated to identify and use safer alternatives to chemicals of high concern to human health and the environment. Today's business leaders are concerned about the health and business impacts that can arise if the products they use or sell contain chemicals of high concern. They recognize that safer chemicals protect human and environmental health and cut the costs of regulation, hazardous waste storage and disposal, worker protection, and future liabilities. Such steps also offer new business opportunities for innovation, making U.S. businesses more competitive in the global marketplace, and create new jobs.

“We’ve taken a cautious approach to materials, meaning that where there is credible evidence that a material we’re using may result in environmental or public health harm, we should strive to replace it with safer alternatives.”

Kathy Gerwig, Vice President Workplace Safety and Environmental Stewardship Officer, Kaiser Permanente

The Toxic Substances Control Act (TSCA), which should give the U.S. Environmental Protection Agency (EPA) the power to identify and regulate hazardous chemicals, simply does not work. In the absence of federal government action to ensure the safety of chemicals, leading American businesses are changing how they use chemicals. Companies in the healthcare, building, retail, electronic, and cleaning product sectors are at the forefront of this movement. Dignity Health, Construction Specialties, Hewlett-Packard, Kaiser Permanente, Method, Novation, Perkins+Will, Premier, Naturepedic, Seventh Generation, Staples, and BioAmber are among the business leaders that have endorsed and are implementing a set of core principles on how to manage the use of chemicals in their own operations and their supply chains.

The failures of TSCA place significant burdens on downstream users of chemicals in products. They must:

- Research for themselves what chemicals are in products and what hazards they could pose to human health and the environment.



- Identify and test the safety of alternatives.
- Continue to use chemicals of high concern because producers do not offer safer alternatives.
- Make chemical and product selection decisions in the absence of adequate hazard information.
- Constantly respond to emerging health concerns about products from the public.
- Face potential liability from the use of hazardous materials.
- Steer through an unpredictable and constantly changing regulatory climate.

Two recent surveys of small businesses owners reveal that small business owners generally believe toxic chemicals pose a threat to people's health, and support stricter regulation and greater disclosure of toxic chemicals: 75% support stricter regulation of chemicals used in everyday products; 93% see regulations as a necessary part of a modern economy and believe they can live with them if they are fair and reasonable; and 78% of owners want to see disclosure and regulation of toxic substances that are used in products (<http://absCouncil.org/toxic-chemicals-poll>).

“We think of chemicals policy as a guide for helping us to bring safer and more sustainable products to the consumer.”

Roger McFadden, Senior Scientist, Staples

The business case for safer chemicals

Using safer chemicals makes sense for our economy, health, and environment. The benefits of comprehensive TSCA reform to businesses are significant and include:

- Leveling the playing field by requiring existing chemicals to meet the same testing requirements as new chemicals.
- Expanding markets for safer and greener chemicals and products.
- Creating a more predictable regulatory system.
- Reducing the costs and risks associated with managing chemicals in products and across supply chains.
- Lowering expenses from chemically-induced employee illness and enhancing productivity from improved employee health.
- Identifying chemicals of high concern to human health or the environment.
- Increasing trust among consumers, employees, communities, and investors.
- Improving transparency and communication throughout the supply chain, leading to increased confidence for downstream users.
- Creating a more competitive, innovative, and economically sustainable chemical industry in the U.S.

What downstream users need from TSCA reform

Using common sense principles and current science, downstream users should work with Congress to repair our broken chemical management system. Downstream users of chemicals need TSCA reform to:

1. Require chemical manufacturers to develop and submit hazard, use, and exposure data on chemicals in commerce, and require the U.S. EPA to make such data readily available to the public.

Chemical manufacturers should be held responsible for the safety of their products and should be required to provide full information on the health and environmental hazards associated with their chemicals, how they are used, and the ways that the public or workers could be exposed. Comprehensive information on all chemicals is essential to avoid the mistake of “regrettable substitutions.”

2. Take immediate action to reduce the use of persistent, bioaccumulative, and toxic (PBT) chemicals and other chemicals of very high concern.

Exposure to PBTs and other toxic chemicals, such as formaldehyde, that have been thoroughly studied need to be reduced and substituted with safer alternatives. Increasingly, downstream users incur reputational risks and a large financial burden for controlling and supervising the use of PBTs and other chemicals of high concern. The most cost-effective method for controlling the use of these chemicals is to limit their use.

3. Clearly identify chemicals of high and low concern to human and environmental health based on robust information.

We need a credible, transparent source of information that clearly communicates what we know and don't know about chemicals on the market. TSCA reform can enhance the ability of companies to build and maintain the value of their brands by avoiding chemicals of concern and selecting safer alternatives.

Simply put, it's time for a change. We have a very clear mandate to think differently about human health and take responsibility to move that agenda forward. When two-thirds of the American public are concerned about their human health, it is very clear we need to act and behave differently. It's time to reform the weak and outdated Toxic Substances Control Act.

John Repogle, President & CEO, Seventh Generation

4. Require greater disclosure from producers of chemicals of high concern in products.

This Federal policy requirement will directly address a significant barrier to implementing safer chemicals at the user level: the lack of information on the chemical constituents in products.

5. Promote safer alternatives.

Green chemistry research should be prioritized and policy incentives developed by the federal government to promote and facilitate the use of safer chemicals over those with known health hazards. All too often the movement away from chemicals of high concern is impeded by the lack of safer alternatives. By fostering the development of safer chemicals we invest in sustainable businesses, safer jobs, and healthier products for Americans. Together, these elements of comprehensive TSCA reform will create an effective and trusted regulatory system that enhances the value of products across their supply chain.

For more information and resources:

**BizNGO Working Group for Safer Chemicals and Sustainable Materials • www.BizNGO.org
American Sustainable Business Council • www.asbcouncil.org**