

February 15, 2017

## CHARTER

### **The Environmental Council of the States hereby establishes**

#### **The Toxic Substances Reduction Workgroup**

Congress enacted the Toxic Substances Control Act (TSCA) in 1976 due to concerns about the effects of toxic chemicals on human health and the environment. Although well-intentioned, implementation of the statute fell short for decades. The law failed to require companies to produce data on the safety of the chemicals they manufacture, placed restrictions on actions and resources necessary for the U.S. Environmental Protection Agency's (EPA) assessment of those substances, and allowed EPA to analyze financial costs and benefits when evaluating a chemical's "unreasonable risk".

The passage of the Frank R. Lautenberg Chemical Safety for the 21<sup>st</sup> Century Act on June 22, 2016, not only amended TSCA to improve chemical safety, but imposed requirements and new responsibilities for EPA to prioritize, evaluate, and mitigate the risks of toxic substances.

ECOS has long supported projects that advocate for international, federal, and state actions that result in the reduction of toxics in the environment, including The Forum on State and Tribal Toxic Actions and providing education and outreach work on the Toxic Release Inventory.

The signing of Lautenberg Act offers an important opportunity to advance the state-federal relationship in regards to toxic substances management. While it gives EPA more authority to act and allows for some state controls, the new law preempts others that conflict with EPA restrictions and decision-making. It is important that states understand EPA regulation and take action regarding TSCA implementation as states have a significant interest in ensuring that chemicals of high concern to their communities are addressed.

ECOS is committed to being a constructive part of TSCA implementation by creating a forum that will coordinate work between state environmental agency officials and the EPA Office of Pollution Prevention and Toxics (OPPT) to guarantee successful chemicals regulation.

The Workgroup will be established under the auspices of the Cross-Media Committee. Roles for this Workgroup are:

- Serve as a focal point within ECOS for dialogue on chemicals management;

- Host conference calls and convene meetings to coordinate state and EPA efforts on toxic substances reduction, including but not limited to: building awareness of efforts on Lautenberg Act, soliciting feedback on the intersection between TSCA and state chemical programs, and identifying areas for states to engage in Lautenberg Act implementation;
- Provide training, case studies, and technical assistance to ECOS members as they navigate EPA actions related to TSCA;
- Conduct research on toxic substances issues as the Workgroup deems necessary.

**Structure:**

The ECOS Organizational Structure and Bylaws as amended on April 11, 2016 states that the ECOS Workgroups are established at the direction of the President or a Committee Chair.

**Member Composition:**

ECOS recommended to the President and Committee Chair Ken Zarker of Washington State Department of Ecology to serve as Workgroup Chair. The Workgroup will be supported by Alexandra Dunn (ECOS Executive Director & General Counsel), Carolyn Hanson (ECOS Deputy Director), and Sarah Grace Longworth (ECOS Project Associate).

**Which duties it will carry out until:**

November 2017, unless extended or disestablished earlier by vote of the Executive Committee.

**Established the 20<sup>th</sup> day of January in the year 2017 by direction of the ECOS President.**