



Resolution 16-3
Approved September 28, 2016
Wheeling, West Virginia

Revised September 26, 2019
Seattle, Washington

Revised September 21, 2022
Park City, Utah

As certified by
Ben Grumbles
Executive Director

ON IMPLEMENTING THE TOXIC SUBSTANCES CONTROL ACT REFORMS

WHEREAS, the Toxic Substances Control (TSCA) enacted in 1976 authorizes U.S. EPA to control chemicals that pose an unreasonable risk to public health or the environment, and remains U.S. EPA's primary authority to control the safety of chemicals in commerce; and

WHEREAS, on June 22, 2016 TSCA was amended when the Frank R. Lautenberg Chemical Safety for the 21st Century Act (Lautenberg) was signed into law by President Obama; and

WHEREAS, Lautenberg imposes new deadlines on EPA and grants states and territories more access to information under TSCA; and

WHEREAS, states and territories play an important role in implementing and enforcing TSCA reforms as well as implementing our own state chemical programs.

NOW, THEREFORE, BE IT RESOLVED THAT THE ENVIRONMENTAL COUNCIL OF THE STATES:

Commends Congress' bipartisan work to reform TSCA through the Lautenberg Act, the first major environmental legislation in over two decades;

Urges timely and consistent state/federal consultation, coordination, and transparency in areas of particular concern to states and territories including prioritization of the most severely impacted communities, prioritization of chemicals for risk evaluation, and the methodologies used to develop and implement risk determinations that take into a consideration the most sensitive and vulnerable populations and ecological resources;

Urges EPA to ensure proper regulation of chemicals that pose serious risks to public health and environment across the U.S. by not limiting state and local authorities' ability to manage those risks through TSCA's preemption mechanisms or other procedural processes; this can be achieved by EPA exercising its statutory discretion to grant waivers to state/local preemption when those risks are clearly demonstrated by state and local government partners;

Urges EPA to share confidential business information with states through information sharing agreements to ensure state partners can understand and effectively manage chemical risks as more fully articulated in

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ECOS Resolution 01-6 State Access to Confidential Business Information under the Toxic Substances Control Act;

Urges EPA to use TSCA to authorize and issue significant new use rules for existing per- and polyfluoroalkyl substances (PFAS) chemicals, as outlined in the Agency’s October 2021 PFAS Strategic Roadmap, and to conduct robust and rigorous evaluations of new PFAS chemicals under the Premanufacture Notice (PMN) program; and

Further urges states, territories, and EPA to work together in implementing TSCA reform so that the Lautenberg Act can reach its fullest potential in ensuring safer chemical use in the U.S.