

Report: Laws make EPA's review of chemicals harder

By Elizabeth Weise, USA TODAY

A government report expected to be released Wednesday finds that the Environmental Protection Agency is severely hampered by laws that make it difficult and expensive for the agency to do its job assessing the health risks of chemicals.

The report from the General Accountability Office (GAO) comes as new research increasingly shows that exposure to even tiny amounts of some widely used chemicals can be harmful to developing fetuses.

As better scientific information becomes available, countries are beginning to overhaul their regulatory policies for toxics. The process is beginning in the USA.

"The vast majority of chemicals used in consumer products today have never undergone any federal safety review," says Sen. Jim Jeffords, I-Vt., ranking minority member of the Senate Environment and Public Works Committee.

To restrict or ban dangerous chemicals under the 1976 Toxic Substances Control Act, the agency must demonstrate they "pose unreasonable risks," a standard not well-defined under the law.

But because of a court ruling requiring that EPA do costs-benefits balancing for every possible regulatory approach, those findings are almost impossible to make and it's now extremely difficult to ban chemicals, says Lisa Heinzerling, a Georgetown University law professor and expert on environmental law.

"I think it's fair to say they couldn't be completed in my lifetime," she says.

Charles Auer, director of EPA's Office of Pollution Prevention and Toxics, says aspects of TSCA "have proven challenging" but that the law "provides EPA with authority adequate to protect human health and the environment from unreasonable risks."

To strengthen EPA, the report says Congress should:

- Give EPA explicit legal authority to force companies to test chemicals for toxicity.
- Authorize EPA to share information about potentially toxic chemicals with states and other countries, difficult now because more than 60% of the information submitted for new chemicals is declared confidential business information.

Sens. Jeffords and Frank Lautenberg, D-N.J., plan to announce legislation today to overhaul the rules that govern the EPA.

The chemical industry counters that current voluntary EPA-industry programs show that together they protect the public, says Chris VandenHeuvel of industry group American Chemistry Council.

