



## **Sierra Club Position on the Chemical Safety Improvement Act – S. 1009**

The Sierra Club sees the bi-partisan Chemical Safety Improvement Act as an opportunity to advance much needed reform of the Toxic Substances Control Act if the bill is amended to address some key concerns. We endorse the position statement of the BlueGreen Alliance because we cannot support the legislation in its current form.

The Sierra Club supports the following recommendations to protect the health of workers, the public, and the environment and to foster an innovative chemical industry that supports middle class jobs:

Protecting Vulnerable Populations: In making safety assessments and safety determinations, EPA must be required to account for heightened health risks borne by particular populations. Whether due to biology, or to aggregate or cumulative exposures, many groups including children, pregnant women, workers with occupational exposure to chemicals, and residents of highly contaminated “hotspot” communities should be explicitly included in a definition of ‘vulnerable subpopulations.’

Additionally, the question of how EPA can use unreasonable risk as a health-only based safety standard must be addressed.

Preserving State Authority: This bill’s federal preemption provisions are too broad, disallowing state action on chemicals upon EPA designation as ‘high priority’ or ‘low priority.’ Compounding this, the bill’s requirements for receiving a preemption waiver are set too high. Concern has already been expressed at the California Department of Toxic Substances Control that the bill would impair their ability to ensure public safety. State authority to regulate above a floor created by federal law should be preserved.

Creating a Timeline for EPA Action: The bill, as introduced, suffers from a lack of express deadlines by which EPA must complete the work of prioritizing chemicals and assessing their safety. Timetables for action, along with requirements specifying minimum numbers of safety assessments and determinations to be carried out in a given time, must be added.

Prioritizing Chemicals Appropriately: Little or no information does not indicate little or no hazard. Therefore the bill should be amended to require that EPA designate a substance as low priority only when adequate data exists to show a chemical’s relative safety.

Recognizing that considerable room for additional clarification and strengthening of this bill exists beyond these key concerns, the Sierra Club looks forward to a sincere engagement with all stakeholders to improve upon this legislative beginning and work toward a safer, greener and growing economy.