

ALI-ABA Course of Study
Chemical Control Law and Policy

Cosponsored by the Environmental Law Institute

April 16, 2010
Washington, D.C.

**Protecting Children from Risky Chemicals in Consumer Products:
Time to Overhaul Outdated and Ineffective Toxic Chemical Policies**

By

Erik D. Olson
The Pew Charitable Trusts
Washington, D.C.




Deficiencies of the Toxic Substances Control Act (TSCA)

- Since TSCA enactment in **1976**, the U.S. **Environmental Protection Agency** (EPA) has only been able to restrict **five** chemicals¹
- Even where there is information that suggests a chemical is harmful, EPA faces formidable **legal** and **administrative barriers** to action
- EPA must make assumptions about toxicity and exposure, or rely on limited, primarily **industry-provided** data



1. According to U.S. Government Accountability Office (2009)

April 16, 2010

1



Toxic Chemicals in Consumer Products & Consumers' Bodies

- Most chemicals **have not undergone** basic toxicity testing or regulatory reviews needed to demonstrate their safety.
- Centers for Disease Control and Prevention (CDC) biomonitoring data show **most Americans** carry multiple **industrial chemicals** in their **body**, such as:
 - **Polybrominated diphenyl ethers (PBDEs)**
 - **Bisphenol A (BPA)**
 - **Perfluorinated chemicals**



March 26, 2010

2



Chemicals Pose a Threat to Children

- When chemicals in consumer products are found to present health hazards to children, **EPA** is often **unable** to take effective regulatory action.
- These chemicals can cause a **variety of health problems** in children and other vulnerable people, such as:
 - **Cancer**
 - **Impaired brain development**
 - **Disruption of reproductive development**



March 26, 2010

3