



The Kid-Safe Chemicals Act: Protecting the Most Vulnerable

In the last Congress, Senator Frank Lautenberg (D-NJ), Representative Hilda Solis (D-CA), and Representative Henry Waxman (D-CA) introduced the Kid-Safe Chemicals Act (H.R.6100/S.3040). The bill has not yet been reintroduced in the 111th Congress but a similar bill is expected to be filed this year. The legislation would overhaul the Toxic Substances Control Act (TSCA) to protect our most vulnerable populations from harmful chemicals and improve EPA's ability to safeguard public health and the environment. It does this by:

- *generating new scientific data,*
- *using new scientific tools,*
- *establishing clear legal authority, and*
- *most importantly, prioritizing the protection of children.*

Problem: There is no publically available health and safety information for the vast majority of chemicals. Government, industry, and even consumers are often in the dark when trying to identify problem chemicals or use safer ones.¹

- ✓ **Solution:** The Kid-Safe Chemicals Act specifies the minimum health and safety information that must be generated for all chemicals (Sec. 506). It requires that information be turned over to the government and makes more of it available for businesses, scientists, and the public (Sec 512 and 513).

Problem: Even where there is information that suggests a chemical is harmful, the EPA faces formidable legal and administrative barriers before taking action to protect public health and the environment.² Since TSCA was enacted 32 years ago, only 8 chemicals have been banned under its authority.³

- ✓ **Solution:** The Kid-Safe Chemicals Act puts the burden of proof on chemical manufacturers to demonstrate that their chemicals are safe for the most vulnerable sub-population – usually children (Sec 504). Chemicals that cannot meet this standard are banned, though individual uses may be allowed if they can be shown to meet the safety standard (Sec 507).

Problem: The EPA doesn't have a clear picture of what chemicals Americans are exposed to and in what concentrations. It makes assumptions about exposure – or relies on industry information- that can be inaccurate.⁴

- ✓ **Solution:** The Kid-Safe Chemicals Act uses bio-monitoring – the science of detecting chemicals in human blood, tissue, and urine – to inform EPA's work (Sec. 506 (d)). Since 2000, the Centers for Disease Control and Prevention (CDC) has conducted a national

bio-monitoring program that has shown that the majority of Americans are carrying multiple industrial chemicals in their bodies.⁵ The legislation explicitly links EPA's work to this program to take some of the guesswork out of human health risk assessment.

Problem: With limited information, the government often prioritizes chemicals based on informal criteria, like media attention, that may not reflect the most urgent threats.

- ✓ **Solution:** The Kid-Safe Chemicals Act prioritizes chemicals that children are exposed to prenatally. Under the bill the CDC will analyze umbilical cord blood for any hazardous chemicals that have been detected in other bio-monitoring studies. Any chemicals found in the cord blood are fast-tracked for removal from the market, though the EPA Administrator can allow them to remain if their safety can be demonstrated (Sec. 505).

¹ U.S. Government Accountability Office (GAO), 2006. *Chemical Regulation: Actions Are Needed to Improve the Effectiveness of EPA's Chemical Review Program*. GAO-06-1032T. And, GAO, 2005. *Chemical Regulation: Options Exist to Improve EPA's Ability to Assess Health Risks and Manage Its Chemical Review Program*. GAO-05-458.

² Schierow, Linda-Jo, Congressional Research Service, August 2007. *Toxic Substances Control Act (TSCA): Implementation and New Challenges*, pp. 14, 17-19. CRS RL-34118.

³ U.S. Environmental Protection Agency, Office of Pollution Prevention and Toxics, January 2007. "Overview: Office of Pollution Prevention and Toxics," page 20.

⁴ GAO, 2008. *Toxic Chemicals: EPA's New Assessment Process Will Increase Challenges EPA Faces in Evaluating and Regulating Chemicals*, pp. 25, 26. GAO-08-743T.

⁵ Centers for Disease Control and Prevention, 2005. *Third National Report on Human Exposure to Environmental Chemicals*. Available at: <www.cdc.gov/exposurereport>.