

## Summary Comparison of Existing Chemical Policy Laws

	<b>TSCA</b>	<b>REACH</b>	<b>the States</b>
<b>The Statutes (Government, Year Passed)</b>	Toxic Substances Control Act (United States, 1976)	Registration, Evaluation, Authorisation, and Restriction of Chemicals (European Union, 2006)	New state laws create a chemical policy frame- work (California, Maine, and Washington, 2008)
<b>Addresses many EXISTING CHEMICALS</b>	<b>NO</b> – 62,000 chemicals grand- fathered in without testing or restrictions	<b>YES</b> – more than 30,000 chemicals must be registered, potentially subject to further action	<b>NO</b> – <i>but</i> focuses on priority hazardous chemicals in products (ME, WA, CA authority)
<b>PRECAUTIONARY PRINCIPLE in play</b>	<b>NO</b>	<b>YES</b>	<b>YES</b> (all 3 states)
<b>BURDEN of PROOF</b>	on government	on industry	on government (all 3) <i>and</i> industry (ME, WA)
<b>HAZARD DATA required for most chemicals</b>	<b>NO</b> – first requires substantial evidence re: potential risk	<b>YES</b> – industry must submit information on > 30,000 chemicals	<b>NO</b> – <i>but</i> California law requires a database on chemical hazards
<b>USE DATA and EXPOSURE DATA on chemicals</b>	<b>LIMITED</b> information reported for some every 5 years	<b>EXTENSIVE</b> information must flow up & down supply chain	<b>DISCLOSURE</b> of priority chemicals in products (ME, WA)
<b>PUBLIC ACCESS &amp; CONFIDENTIALITY</b>	Very restrictive - poor public right to know	Good public access to data <i>and</i> protection	Public access to data, <i>but</i> could be improved
<b>Identification of priority chemicals: HAZARD-BASED &amp;</b>	<b>NO</b>	<b>YES</b> – substances of very high concern, i.e. CMRs, PBTs, vPvBs & EDCs	<b>YES</b> – based on hazard traits similar to REACH (ME, WA, CA authority)
<b>EXPOSURE-BASED factors applied</b>	<i>not applicable</i>	Wide dispersive use and/or high volume use	In people, products, high volume use (all 3)
<b>ALTERNATIVEs ASSESSMENT &amp; Substitution Plan</b>	<b>NO</b>	<b>YES</b> – may be required for priority substances of very high concern	<b>YES</b> – may be required for priority chemicals (CA, ME, WA for PBTs)

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Risk Management Pathways	<b>TSCA</b>	<b>REACH</b>	<b>the States</b>
<b>1. Prohibit use of chemicals <i>unless</i> industry shows <b>SUBSTITUTION</b> is not feasible</b>	<b>NO</b> – <i>but</i> the production of highly hazardous PCBs was banned by statute and uses were restricted	<b>YES</b> – for priority substances of very high concern that are <b>PBTs</b> , <b>vPvBs</b> or have <b>no safe exposure threshold</b>	<b>YES</b> – for same priority chemicals of high concern in products (ME, WA for PBTs)
<b><i>What has to be shown</i> to avoid or trigger prohibition</b>	<i>not applicable</i>	To continue chemical use, industry must show socio-economic benefits outweigh risks <i>and</i> there are no suitable alternative substances or technologies	To trigger restriction, state must show there's exposure <i>and</i> safer alternatives available at comparable cost (ME, WA through PBTs rule)
<b>2. Prohibit use of chemicals <i>unless</i> industry controls <b>RISKS</b> or substitution is not feasible</b>	<b>NO</b>	<b>YES</b> – for <i>other</i> priority substances of very high concern, e.g. <b>CMRs</b> , where a safe threshold can be determined	<b>YES</b> - for same priority chemicals of high concern in products ( <i>without regard to risk</i> ) (ME)
<b><i>What has to be shown</i> to avoid or trigger prohibition</b>	<i>not applicable</i>	Industry shows risks are adequately controlled, <b>or</b> socio-economic benefits outweigh risks <i>and</i> there are no suitable alternative substances or technologies	To trigger restriction, state must show there's exposure <i>and</i> safer alternatives available at comparable cost (ME)
<b>3. Restrict specific uses of chemicals</b>	<b>YES</b> – may restrict chemical production, use or disposal by rule	<b>YES</b> – for <i>other</i> toxic chemicals not subject to authorization above	<b>YES</b> – broad authority to restrict or prohibit chemical use (CA)
<b><i>What has to be shown</i> to restrict chemical uses</b>	Agency must show unreasonable risk <i>and</i> restrictions are least burdensome after cost-benefit analyses of all alternatives	Agency must show unacceptable risk to health or environment considering socio-economic impact and available alternatives	Not yet specified in rules under development, <i>but</i> must consider hazards, exposure pathways and alternatives (CA)

**NOTES:** **CMRs** = Carcinogens, Mutagens, Reproductive toxicants; **PBTs** = Persistent, Bioaccumulative and Toxic chemicals; **vPvBs** = very Persistent, very Bioaccumulative chemicals; **EDCs** = Endocrine Disrupting Chemicals