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socma SYNTHETIC ORGANIC CHEMICAL MANUFACTURERS ASSOCIATION

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PROPOSED SOCMA POSITION ON TOXIC SUBSTANCES LEGISLATION

SOCMA accepts the principle of testing of new chemicals as necessary to protect health and environment and of appropriate action to minimize hazards to health or environment of existing chemicals. The chemical industry is subject now to broad and sometimes overlapping legislation on hazardous substances: emission, effluent, and solid waste control; comprehensive occupational safety regulation; and regulation of large product areas: pesticides, hazardous substances, food and drugs. New legislation should be drawn to avoid overlapping and with consideration for the consequences for the consumers, our balance of trade and the impact on the industry of unnecessarily restrictive legislation.

To accomplish these objectives, SOCMA proposes:

1. The area covered by the bill should be redefined

   a. to preclude duplication of existing legislation;

   b. to exclude intermediates;

   c. to exclude sales for research and testing; and sales in less than commercial quantities; and

   d. to eliminate the term "by-product" since impurities, contaminants, and degradation products could be regulated under S. 1478 without reference to by-products.

2. SOCMA opposes mandatory certification of chemicals. Few pose a hazard justifying the expense and delay in development and marketing of new chemicals. Manufacturers should be able to obtain an EPA ruling on new or existing chemicals.

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3. The law should specify factors to be considered by EPA in establishing test standards.

4. SOCMA opposes the Hart bill requirement that EPA make findings on "efficacy" and availability of less hazardous alternatives.

5. The tests for hazards should be made by the downstream manufacturer who produces the end product sold to the consumer

6. The law should authorize use and distribution restrictions on specific generic products to avoid overly-broad restrictions on basic chemicals. Labelling should be a primary mode of regulation of both consumer products and chemicals sold to downstream processors.

7. EPA regulation of a chemical under S. 1478 should preempt any state or local regulation of the chemical.

8. SOCMA favors a Toxic Substances Board to provide objective, scientific opinion for EPA. SOCMA opposes a Board composed of representatives of specific interest groups as in the Hart bill.

9. The procedure for promulgation of restrictions and test standards should provide for hearings in accordance with the Administrative Procedure Act.

10. Recalls should be permitted only to prevent imminent hazards.

11. The legislation should affirmatively protect trade secrets, particularly process information.

12. Enforcement should be by Government action, and citizen suits or public class actions should be precluded.

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