

socma

SYNTHETIC ORGANIC CHEMICAL MANUFACTURERS ASSOCIATION

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July 6, 1973

TO: ENVIRONMENTAL LIST
BOARD OF GOVERNORS

COMMITTEE REPORTS ON TOXIC SUBSTANCES ACT

Gentlemen:

Enclosed are copies of the Senate Commerce Committee's June 26th Report on its version of the Toxic Substances Control Act (S. 426) and the House Interstate and Foreign Commerce Committee's June 29th Report on its bill (H.R. 5356) together with a memorandum discussing the key provisions of these bills.

The House bill, as reported, is a tough piece of legislation and would add substantial costs to the development and marketing of many organic chemicals. But it is selective as to testing and premarket screening of hazardous chemicals. And the full House Committee did modify the bill to reflect concerns expressed about the Subcommittee's intent in including mixtures in the legislation and, in part, the relationship of this bill to other environmental legislation.

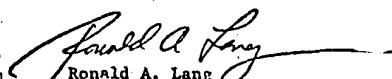
The focus of the Senate bill's testing requirements has been sharpened somewhat to chemicals which have the potential for environmental harm. However, the Senate bill still has sweeping requirements for premarket screening. Of particular concern is the provision for up to 180-day premarket screening period for chemicals for which there has been no finding of potential danger and no requirement for testing. During this period EPA, without public hearing or comment, can impose binding restrictions on the use of new chemicals or new uses on the basis of an absence of data.

There is even a substantial question as to whether such decisions are subject to judicial review. The Senate bill also has shortcomings with respect to avoiding duplication with other laws.

SOCMA has proposed amendments to a Manufacturing Chemists Association Task Force (1) for dealing with the problems of EPA's authority to restrict chemicals in the absence of data or at least (2) to ensure judicial review of such actions and (3) for strengthening the provision against duplication of other environmental laws. The MCA group is reviewing the possibilities for action. It is also assessing the need for action to defend the House bill against floor attempts to eliminate carefully considered measures to minimize unnecessary testing and regulation.

We will keep you informed of developments.

Sincerely,


Ronald A. Lang
Executive Secretary

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