

COMMITTEES:

APPROPRIATIONS

COMMERCE, SCIENCE, AND  
TRANSPORTATION

ENVIRONMENT AND  
PUBLIC WORKS

United States Senate

WASHINGTON, DC 20510

September 9, 2011

Mr. Cass Sunstein, Administrator  
Office of Information and Regulatory Affairs  
Office of Management and Budget  
Washington, D.C. 20503

Dear Mr. Sunstein:

We write to ask you to conclude your review of the Environmental Protection Agency (EPA) proposed rule listing chemicals of concern under section 5(b)(4) of the Toxic Substances Control Act (TSCA). EPA sent the proposed rule to the Office of Information and Regulatory Affairs (OIRA) for review on May 12, 2010, nearly 500 days ago and well beyond the 90 days authorized for OIRA review. We urge you to end this delay and allow EPA to propose the rule, which will still provide the public and the regulated community with the opportunity to comment on its merits before it is finalized.

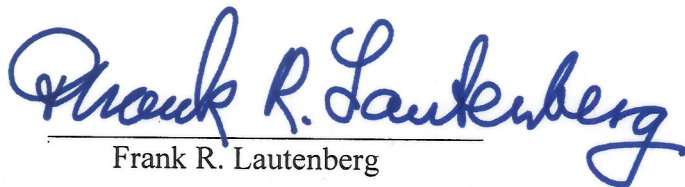
TSCA was signed into law in 1976 in order to address the public health risks posed by some chemicals. Unfortunately, flaws in the statute have prevented EPA from taking even modest steps to collect adequate data on chemical risks or to appropriately manage those risks. The Obama Administration has been clear that it shares our goal of modernizing TSCA to ensure effective and efficient management of risks from chemical substances.

However, as Congress works toward reforms of the law, it is important that EPA is allowed to fully utilize its current authorities under TSCA to provide the public with information on chemicals that might pose unreasonable risk. TSCA clearly provides that authority in Section 5(b)(4), which states, "The Administrator may, by rule, compile and keep current a list of chemical substances with respect to which the Administrator finds that the manufacture, processing, distribution in commerce, use, or disposal, or any combination of such activities, presents or may present an unreasonable risk of injury to health or the environment."

EPA's scientists have concluded that the substances on its proposed chemicals of concern list could pose such risks. Other governments have reached similar conclusions. Furthermore, data from the Centers for Disease Control show that these substances are found in the bodies of most Americans. With EPA's ability to actually reduce risk from chemicals severely constrained

by TSCA, the agency should be permitted to take the modest step of signaling its concern about these chemicals to the public and the market.

Sincerely,

  
Frank R. Lautenberg

  
Sheldon Whitehouse