

# Senate panel advances bill to overhaul chemical regulation

April 28 2015, byMatthew Daly

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In this Monday, Jan. 13, 2014, file photo, workers, left, inspect an area outside a retaining wall around storage tanks where a chemical leaked into the Elk River at Freedom Industries storage facility in Charleston, W.Va. A bipartisan bill to update regulation of harmful chemicals for the first time in nearly 40 years won approval from a Senate committee Tuesday, moving it closer to a vote in the full Senate. The Senate Environment and Public Works Committee approved the bill, 15-5. Four Democrats joined all 11 committee Republicans to support the bill, which would set safety standards for tens of thousands of chemicals that now are unregulated. The bill also would offer protections for people vulnerable to the effects of chemicals such as pregnant women, children and workers, and set deadlines for the Environmental Protection Agency to act. (AP Photo/Steve

Helber, File)

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If enacted into law, the bill would be the first significant update to the Toxic Substances Control Act since the law was adopted in 1976.

"This isn't a perfect bill, but it is a very good one," said Sen. Tom Udall, D-N.M., one of the bill's lead sponsors. "The American people want a law that protects them and their families from chemicals like asbestos, BPA, formaldehyde, styrene and so many other hazardous substances."

Louisiana Sen. David Vitter, the bill's chief Republican sponsor, said action on toxic chemical regulation is "long overdue," and said the bill approved by the environment panel "provides the necessary updates to ensure chemical safety in the United States for decades to come."

Noting strong opposition from some Democratic senators, including California Sen. Barbara Boxer, Vitter said lawmakers have a choice: support a bipartisan compromise or remain "stuck with existing law."

Regulation of chemicals took on new urgency after a crippling spill in West Virginia last year contaminated drinking water for 300,000 people. The chemical, crude MCHM, is one of thousands unregulated under current law.

The Senate bill cleared a key hurdle this week when three Democratic senators—Sheldon Whitehouse of Rhode Island, Cory Booker of New Jersey and Jeff Merkley of Oregon—agreed to support the bill after winning several compromises, including one that makes it clear that states may act to regulate a chemical if EPA misses required deadlines.

The compromise language also ensures that states will be able to regulate certain chemicals while EPA is evaluating them for safety and makes clear that states may co-enforce the law, with the condition that penalties may not be collected from both the state and the [federal government](#) for the same violation.

Democrats had complained that an earlier version of the bill would have pre-empted aggressive regulation by states such as California, Vermont and Massachusetts that monitor chemicals closely.

"This bipartisan agreement greatly strengthens the ability of states to protect citizens from toxic chemicals when the federal government has failed to do so," Merkley said in a statement. "It's a vast improvement over the broken law currently in force and an important step in protecting families across America."

Booker said the changes mean the bill is fit to bear its name in honor of the late Sen. Frank Lautenberg, a New Jersey Democrat who pushed for chemical reform before his death in 2013. Booker, who holds what had been Lautenberg's seat in the Senate, said Lautenberg "made strengthening federal laws to better protect Americans from toxic substances and pollutants one of his top priorities."

Boxer, the senior Democrat on the environment panel, said changes negotiated by Democrats "got rid of a horrible bill," but said the measure as adopted was still inadequate to protect families and workers from [harmful chemicals](#).

"The legislation does nothing to ensure that terrifying disease clusters of children's cancers are addressed" and omits any mention of asbestos, a substance that kill as estimated 10,000 Americans every year, Boxer said.

She and other Democrats vowed to continue to call attention to what they see as the [bill](#)'s flaws before a vote in the full Senate, expected later this year.

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