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US CONGRESS PROPOSES TO ESTABLISH A LIST OF TOXIC CHEMICALS WITH ALLOWABLE USES

The US Congress has recently introduced a proposal to establish a list of chemicals that are considered to be persistent, bio-accumulative and toxic (PBTs) with allowable uses. The Administrator of the Environmental Protection Agency (EPA) would be charged to identify allowable uses as well as to protect public health and the environment.

On 24 July 2014, the US Congress introduced S.2656 'PROTECTING AMERICA'S FAMILIES FROM TOXIC CHEMICALS ACT OF 2014'. The Act requires the administrator of the EPA to establish a list of chemicals that are persistent, bio-accumulative and toxic (PBT) and to list allowable uses for PBT chemicals¹.

Under the proposal, a list of PBTs would be established within 180 days after the criteria to identify substances as PBTs have been finalised. The proposal also lists 21 chemicals that meet the criteria of PBTs based on existing evidence.

According to the proposal, the Administrator of the Environmental Protection Agency (EPA) is charged to

- Identify allowable uses
- Specify a date when to cease the manufacture and distribution of PBT substances not identified for allowable uses
- Identify conditions to protect public health and the environment, including disposal of chemical applicable to the allowed uses
- Consider petitions to allow future allowable uses of PBT chemicals

There is also a presumption to allow specific uses of

- Cadmium and its compounds
- Lead and its compounds
- Mercury
- PFOS and PFOF

Highlights of the proposal are summarised in Table 1.



¹ [S.2656, 113th Congress \(2013-2014\)](#)

TABLE 1.

S.2656 IS, 113TH CONGRESS (2013-2014) PROTECTING AMERICA'S FAMILIES FROM TOXIC CHEMICALS ACT OF 2014		
PBT SUBSTANCE	REQUIREMENT	REMARK
PBT	Establish criteria to identify substance as PBT	Within 1 year after enactment.
PBT	Publish list of PBTs	Within 180 days after criteria to identify substance as PBT has been finalised (to be updated at least once every 3 years).
<ul style="list-style-type: none"> • Anthracene • Asbestos • Cadmium and cadmium compounds • p-Dichlorobenzene • Hexabromocyclododecane (HBCDD, all major isomers) • Hexachlorobutadiene • Lead and lead compounds • Mercury and mercury compounds • Musk xylene • Pentachlorobenzene • Perfluorooctane sulfonic acid, its salts and perfluorooctane sulfonyl fluoride (PFOS, salts and PFOF) • Phenanthrene • Polybrominated biphenyls (PBBs) • Polybrominated diphenylethers (PBDEs) • Polyhalogenated terphenyls • Tetrabromobisphenol A (TBBPA) • 1,2,3-Trichlorobenzene • 1,2,4-Trichlorobenzene • 1,2,3,4-Tetrachlorobenzene • 1,2,4,5-Tetrachlorobenzene 	<p>Administrator to</p> <ul style="list-style-type: none"> • Identify allowed uses • Specify date to cease the manufacture and distribution of PBT substances not identified for allowable uses in point above (not to exceed 5 years from date of allowable use) • Identify conditions to protect public health and the environment, including disposal of chemical applicable to the allowed uses <p>Presumption</p> <p>Allowable uses include</p> <ul style="list-style-type: none"> • Specific uses of lead or cadmium and their compounds in lamps, solders, glass, ceramics, metal alloys, plating, connectors or electronic components under Directive 2011/65/EU (Rohs Recast) • Specific uses of mercury compounds in lamps under Rohs Recast • Specific use of lead or lead compounds in lead-acid batteries • Specific uses of PFOS and its salts and PFOF if specified under the Stockholm Convention (Persistent Organic Pollutants, POPs) 	<p>Within 1 year after enactment.</p>

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