

U.S. Sectors and the regulated uses of materials

F. R. Anscombe, USEPA-Chicago; GLBTS Meeting, Toronto, June 2, 2008

Last fall, two groups were commissioned, Substances and Sectors. These did not have chemical goals, unlike earlier ones. This was a significant departure. In keeping, they were called exploratory, since there may be something to discover, but we cannot foresee exactly what it may turn out to be.

National reviews (CMP in Canada and ChAMP in the US) pertaining to chemicals in commerce were getting underway. It made sense to explore whether this Forum can assist these programs, during the years ahead.

Also, the Water Quality Agreement has long included a goal of “early warning” screening for residues in the Great Lakes. We resolved to pursue this. Perhaps the Canadian CMP helped trigger this. Canada has proposed 2,500 substances as having potential to persist in the environment. This is not entirely surprising. There have been many news accounts about residues of personal care products, detergents to perfumes, plus pharmaceuticals, among environmental residues. Down at a sub-visual, molecular level, the world is complicated, even if we wish it pristine, devoid of human traces.

For 10+ years, the GLBTS has provided a Forum for diverse Stakeholders to voice views and ideas. A hallmark has been a “4-step process”, assembling information to build a more-holistic perspective, to do our bit to support informed discussion about pollutants.

When we started back in 1996, our nations targeted a handful of common substances, some no longer in use. There were banned pesticides and unintended trace byproducts, championed by the International Joint Commission in the mid-1980s. Nowadays, 23 years later, we seem at a different context. Two national reviews of chemical uses are getting underway. While tightly coordinated, they seem on somewhat different timelines; and chemical-specific policy outcomes seem at present unknown.

In the US, regulation of chemicals is by no means new. Chemicals have been regulated on environmental grounds back at least to the 1970s. The USEPA is beginning a new review encompassing the lion’s share of chemicals in

the US economy. In the years ahead, regulatory actions may arise, as facts warrant. Yet for perspective, there is no policy aversion against chemicals on which the US economy now relies.

ChAMP will be conducted on a national basis. The US values Inter-State commerce. The Federal government generally will favor use of a chemical on a 50 State basis, lest restrictions on a regional basis create economic fractures, within the US economy. To my knowledge, ChAMP does not invite partnerships with Sectors, nor do so on a regional basis. I look on US substances within the scope of ChAMP as “on track” within a governing review, without there being an additional value-adding role for a US regional office, save for environmental monitoring, as is being undertaken.

Under the Security and Prosperity partnership or Montebello Accord, the offices in each nation responsible for ChAMP and for CMP have pledged to share technical information. Their coordination can prevent a needless source of differences. Since the prosperity of the Great Lakes regional economy relies on trans-boundary economic ties, this coordination is welcome.

How can the US contribute to a GLBTS workgroup on Sectors? Faithful to Annex 12 of the GLWQA, monitoring by the Substances group may identify substances of emerging awareness. The USEPA will want to carefully interpret any detected residues, from the scientific perspective of risk assessment. If risk-based grounds arise, a substance may be referred to the Sectors group for collaborating with Stakeholders about management options. In this context, the Sectors group seems downstream from the Substances group.

In personnel, the Substances group may tend toward chemists and risk assessors, whereas the Sectors group could be more oriented toward economics, engineering, and policy options. Yet the groups should still collaborate in an integrated way.

If an industrial Sector in Canada forms a partnership with Environment Canada, this could invite a question whether a counterpart US industry might see grounds to join. I have been interested to hear today of a collaboration between Environment Canada and the petroleum industry. Any US industrial Sector is

free to collaborate about environmental matters on a cross-border, industry-to-industry basis. This may go on routinely, unbeknownst to those in government.

CMP likely includes some supplementary substances not included in the scope of the US ChAMP review. This gives me a vague idea that exclusion from ChAMP and inclusion within CMP might provide a category of byproduct or waste chemicals potentially amenable for bi-national collaboration. Or it may turn out upon discussion, they are not amenable. I do not know. This seems the appeal of a Stakeholder Forum. Float an idea, invite feedback, see if there is something I can learn.

In this spirit, I very much invite Stakeholders to contribute to the Sectors group. This winter, Dale Phencie, Mike Murray, and I brain-stormed a template for socio-economic profiles to define substances, in accessible ways. Is a pollutant an ingredient in a product or created as an unintended byproduct? Are there alternative chemicals? What are their environmental fates? 10+ years ago, the BTS developed profiles for the Level 1 substances, because Stakeholders welcomed basic facts, going beyond mere chemical names. Developing holistic, socio-economic profiles to explain substances sought for monitoring would seem a possible activity for a Sectors group, in keeping with a Forum devoted to sharing information.

Environmentalists or industries may propose discussion about Greener chemicals. Voicing such ideas seems welcome. I should be upfront in mentioning the USEPA generally does not regulate chemicals in products, foods, and drugs. These responsibilities lie with the US Food and Drug Administration or Consumer Product Safety Commission. Also, some substances can be called "Green" if made from renewable feedstocks; in a policy sense, bio-fuels has seemed an area where legislators have been active, more so than the USEPA. Bottom line: in some areas, EPA's scope may be modest.

In a bigger sense, there is a vibrant marketplace for Greener products. Any inventor enjoys freedom to patent and pursue commercial development of greener materials. Manufacturing firms generally have leeway to use Greener chemicals and speed these into commerce.

To sum up:

1. US participation in a Sectors workgroup is exploratory and will flexibly respond to ideas, as these pop-up.
2. In future, the Substances group may refer substances to the Sectors group. A hallmark of the BTS has been information-sharing among Stakeholders, in a 4 Step process. The Sectors group could develop management options (a Step 3 report), if risk-justified pollutant concerns arise. For now, this is only a hypothetical possibility, since premature to forecast discovery of actionable risks.
3. When-ever a Canadian industry and Environment Canada form a partnership, the USEPA should mention this partnership to the counterpart US industry, in case there may be potential lessons.
4. In each country, chemical use reviews are at early stages. Their coordination aptly takes place at a national level, affirmed under the Security and Prosperity Partnership. Material use regulations on a regional or Sector basis are not envisioned on the US side, at this point in time.
5. US industries are of course free to undertake voluntary environmental initiatives, in collaboration with Canadian counterparts, if they so choose, within their discretionary judgment.

Thank you for kind attention. We are exploring some new contexts for the BTS Forum, against a backdrop of evolving national programs. Owing to changing circumstances, we are searching for new ways to collaborate together, sometimes even for new vocabularies. We can make much progress, owing to goodwill and good intentions. Thank you again.