

Increasing Prospects for Chemical Regulatory Reform in the 111th Congress

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With the potential risks of toxic substances, particularly in children's products, filling the headlines, the call for more stringent regulatory control of chemicals is increasing. Europe and a variety of U.S. states already have taken significant actions in this regard.

The growing movement to reform the nation's chemical regulatory system gained additional momentum with the first of what may be numerous Congressional hearings on the subject. On February 26th, the Commerce, Trade and Consumer Protection Subcommittee of the House Energy & Commerce ("E&C") Committee held a hearing, chaired by Rep. Bobby Rush (D-IL), to discuss the perceived shortcomings of the three decade old Toxic Substances Control Act ("TSCA"). TSCA reform is also a priority of new E&C Chairman Henry Waxman (D-CA).

Congress may follow with legislation that could shift to manufacturers, at least to some degree, the burden of demonstrating chemical and product safety or at least the absence of significant risk.

Kelley Drye's [Environmental Law](#) and [Government Relations & Public Policy](#) practices have prepared a client advisory which provides a brief overview of these developments and discusses the potential for legislation during the 111th Congress.