



TSCA's Scientific Integrity Should Not Be an Issue with New Administration

US EPA, TSCA

By LANA BECKETT, January 31, 2017

Pat Rizzuto **reported**¹⁾ in December at Bloomberg BNA about what may be expected from Scott Pruitt, President-elect Donald Trump's pick to lead the Environmental Protection Agency (EPA).

She interviewed Lynn Bergeson, managing partner of Bergeson & Campbell PC, a Washington D.C.-based law firm that specializes in chemical and pesticide regulations, who told Rizzuto the science requirements with the amended Toxic Substances Control Act (TSCA) are solid.

"Call me crazy, but I continue to think 'scientific standards' as defined under TSCA Section 26(h) will continue to be applied as envisioned by Congress," Bergeson told Bloomberg BNA.

Section 26 of amended TSCA requires the EPA's science decisions to be developed in a manner "consistent with the best available science."

The provision requires the EPA to consider issues such as the relevance of scientific information for the decision being made; the reasonableness of the science for the intended use; the extent to which it has been peer reviewed; and variability and uncertainty of the science. EPA decisions must be "based on the weight of the scientific evidence."

"Under a Trump administration," Bergeson said, "EPA may be more predisposed to interpreting this provision and others in a way that might be more aligned with industry's views, but the process will continue to be scientific, disciplined, and consistent with the law's mandate."

"I do not envision the Trump administration as necessarily telegraphing science that is so demonstrably devoid of merit that it will undermine the public's confidence in EPA's risk assessment processes or in EPA generally as the federal institution tasked with protecting the environment. I have more confidence in the scientific integrity of EPA and its scientists to let that happen," Bergeson said.

Resources for this article

1. reported

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