

December 3, 2009

Statement on the US Senate Hearing entitled, “Oversight Hearing on the Federal Toxic Substances Control Act,” held Wednesday, December 2, 2009 by the Physicians Committee for Responsible Medicine, People for the Ethical Treatment of Animals, the Humane Society of the United States, the Humane Society Legislative Fund, and the Humane Society International.

TOXICITY TESTING REFORM IS ESSENTIAL TO EFFECTIVE CHEMICAL REGULATION

The US Senate Committee on Environment and Public Works and its Subcommittee on Superfund, Toxics and Environmental Health held a hearing yesterday to begin considering modernization of the 33-year old Toxic Substances Control Act (TSCA), the prevailing US law governing industrial chemical legislation.

In order to ensure that the new regulations will be as protective as possible, we urge Congress to support and prioritize the modernization of the science that underlies the regulation—namely, the way in which toxicity testing is conducted. Revised legislation should carefully consider and be consistent with the National Academy of Sciences recent landmark report detailing a vision and strategy for toxicity testing in the 21st Century, which advocates a shift from current toxicity testing methods that use animals to a more human-relevant system of cell- and tissue-based tests that would better predict the potential for chemicals to harm people or the environment.

Several of the Committee members highlighted concerns strongly linked to toxicity testing, including the time it might take to assess and regulate the huge backlog of chemicals on the market today, and ensuring that new scientific methods are developed and used by the Environmental Protection Agency. Animal testing can often be the cause of delays in regulation because testing can take several years to conduct, and the results of animal tests are difficult to interpret or apply to humans.

We applaud Chairman Frank Lautenberg’s specific question of Linda Birnbaum, Director, National Institute of Environmental Health Sciences, regarding the development of new non-animal chemical testing methods, and ways in which Congress could “accelerate the development and use of these 21st-Century [non-animal] testing techniques.” We urge the Congress to consider the following principles as they modernize TSCA, to ensure more effective and humane chemical regulations:

1. The principle of animal testing as a “last resort”—as adhered to under the European Union Registration, Authorisation, and Restriction of Chemicals (REACH) legislation—should be a foundation of US policy.
2. Computational, cell- and tissue-based methods can be used now to prioritize chemicals or groups of chemicals that are of primary concern. These methods can also be used now to satisfy information needs for some chemicals. Further development and application of these methods for use in risk assessment should be encouraged in the new legislation.
3. New legislation should be flexible enough to allow the inclusion of new testing methods and Integrated Testing Strategies as they are developed, and should not prescribe a minimum data set under which all chemicals must be tested.
4. New legislation should provide EPA with sufficient funding and organizational support, guidelines for an efficient and flexible peer review process, and clear benchmarks of success, to ensure rapid implementation of better testing methods.
5. New legislation should offer strong incentives to fund, develop, and use new methods; and, as alternative methods become available, stipulate that alternative methods must be used in place of animal tests.