ACC RESPONDS TO CONFIDENTIAL BUSINESS INFORMATION CLAIMS

ARLINGTON, VA (January 4, 2010) – In response to claims today by the Environmental Working Group (EWG) and an article in the Washington Post, erroneously implying that chemical manufacturers can place “secret” products on the market, the American Chemistry Council (ACC) reaffirmed that “chemical safety is a paramount consideration in chemical manufacturing and use; and, for this reason, health and safety information on chemical products should never be considered confidential.”

“Our industry is committed to safety in chemical use under a robust regulatory system – one that promotes public confidence in chemical management and supports innovation and U.S. jobs. We recognize that the current system isn’t perfect, which is why we are helping lead the efforts to reform the way chemicals are managed in commerce. But reforms should be made without sacrificing American jobs and global competitiveness,” said Mike Walls, ACC Vice President of Regulatory and Technical Affairs. “There are no ‘secret’ chemicals on the market. In those cases where a specific chemical identity has been claimed confidential -- in order to protect the significant investment of time, money and human resources that went into the research and development process -- the manufacturing and use of that substance must always fully comply with the requirements of the law. “

Under the Toxic Substances Control Act (TSCA), producers and importers must gain Environmental Protection Agency (EPA) approval before a new chemical substance can enter the U.S. market. The law and EPA’s regulations permit the specific chemical identity to be recognized as confidential business information (CBI) when appropriate to protect legitimate commercial interests, and in those cases the Agency requires that generic identifying information be provided. Balanced confidentiality laws help protect the trade secrets that foster innovation and create jobs. Most importantly, the law requires EPA to disclose CBI if there are significant risks to health and the environment.

“ACC supports enhancements to TSCA addressing concerns about confidential business information, and giving EPA the authority to share this information as appropriate. We also believe TSCA reforms need to leverage the significant technological and scientific advancements made over the last 30 years, while protecting American innovation and jobs,” Walls concluded.

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The American Chemistry Council (ACC) represents the leading companies engaged in the business of chemistry. ACC members apply the science of chemistry to make innovative products and services that make people’s lives better, healthier and safer. ACC is committed to improved environmental, health and safety performance through Responsible Care®, common sense advocacy designed to address major public policy issues, and health and environmental research and product testing. The business of chemistry is a $689 billion enterprise and a key element of the nation's economy. It is one of the nation’s largest exporters, accounting for ten cents out of every dollar in U.S. exports. Chemistry companies are among the largest investors in research and development. Safety and security have always been primary concerns of ACC members, and they have intensified their efforts, working closely with government agencies to improve security and to defend against any threat to the nation's critical infrastructure.