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NANOTECHNOLOGY CLIENT ALERT

EPA INSTITUTING A NANOSCALE MATERIALS STEWARDSHIP PROGRAM

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I. INTRODUCTION

Recently, the U.S. Environmental Protection Agency (EPA) invited a variety of nanotechnology stakeholders to participate in a new Nanoscale Materials Stewardship Program. The EPA is developing this program to complement and support its new and existing chemicals programs under the U.S. Toxic Substances Control Act (TSCA).

II. THE PROGRAM

A. TSCA AND NANOSCALE MATERIALS

Certain nanoscale materials fall under the definition of regulated "chemical substances" under TSCA, and many new nanoscale materials are likely to also fall under that definition. TSCA gives the EPA authority to regulate the use and handling of new and existing chemical substances with the goal of ensuring that they are manufactured and used in a manner that protects against unreasonable risks to health and safety. For example, the EPA requires manufacturers of new chemical substances to provide specific information to the EPA for review prior to manufacturing and introducing those chemicals into commerce. Additionally, the EPA can take action to ensure that those chemicals that pose an unreasonable risk to human health or the environment are effectively controlled.

B. GOAL OF THE PROGRAM

The EPA's goal in establishing the Nanoscale Materials Stewardship Program is to enable responsible development of nanotechnology and help realize nanotechnology's full potential, while at the same time managing potential risks to human health and the environment. The EPA hopes to meet this goal initially by encouraging the development

of key scientific information, risk management practices and a better understanding of the potential risks and benefits of nanotechnology.

C. COMPONENTS AND DEVELOPMENT OF THE PROGRAM

Depending on the results of the EPA's process, components of the program could include:

- > Assembly of existing data and information from manufacturers and processors of existing chemical nanoscale materials;
- > Support for the development of test data needed to provide a firm scientific foundation for future work and regulatory/policy decisions; and
- > Identification and use of a basic set of risk management practices in developing and commercializing nanoscale materials.

The EPA desires to work collaboratively with the public and stakeholders to develop and implement the program. To encourage broad participation, the EPA recently sent letters to industry and environmental groups, federal agencies and others inviting them to participate in the design and development of the program. The agency expects to present a variety of opportunities for public input, including:

- > Public scientific peer consultations to discuss risk management practices and characterization for nanoscale materials;



- > Creation of an overall framework document describing the TSCA program for nanoscale materials;
- > Creation of a document on distinguishing the TSCA inventory status of “new” versus “existing” chemical nanoscale materials;
- > Creation of a concept paper describing the EPA’s thinking for the program;
- > An Information Collection Request to collect data under the program;
- > Workshops examining the pollution prevention opportunities for nanoscale materials; and
- > Public meetings to discuss these documents and program elements.

III. CONCLUSION

Over the coming months, the EPA is planning to work collaboratively with the public and interested stakeholders to more fully develop the Nanoscale Materials Stewardship Program consistent with its goals. The EPA has stated that it would like to invite and include as many organizations as possible to actively participate in a variety of upcoming opportunities to provide input on the program. Interested persons can learn more about these opportunities by joining the EPA’s list of stakeholders. This can be accomplished by subscribing to the EPA’s email notification list at <http://epa.gov/oppt/nano/nano-contact.htm>. The EPA will also provide notification of opportunities for public participation on its website (<http://epa.gov/oppt/nano>), by letter, or by Federal Register Notice, as appropriate.

We feel that the EPA’s process is an important one which may have long-term and potentially dramatic effects on how nanotechnology and nanoscale materials in general are regulated. Therefore, we encourage all interested parties to sign up for and participate in the process.

Readers should also be aware that some nano materials are already considered “chemical substances” under TSCA, and manufacturers and importers of nanoscale materials may, therefore, have compliance obligations independent of the new Nanoscale Materials Stewardship Program.

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