



effective in achieving their chemical regulatory policy goals.

The toxics program may face a stream of Toxic Substances Control Act (TSCA) petitions concerning individual chemicals, including perfluorooctanoic acid. Because the petition process is an internal EPA decision unfettered by statutory or regulatory deadlines, this process is unlikely to provide a satisfying remedy and likely will result in little more than enhanced media scrutiny. The results of continued biomonitoring studies, most notably the third installment of the Centers for Disease Control and Prevention's National Report on Human Exposure to Environmental Chemicals expected to be released in February or March 2005, may provide a pool of candidates for the petition process, and could lead EPA to consider additional voluntary chemical testing initiatives.

With the results of the High Production Volume (HPV) Challenge Program more readily available electronically, questions will likely be raised about what the results mean or how they should be interpreted. EPA will need to make good on its threat of regulating HPV orphan chemicals, i.e., not reward those who did not participate in the HPV Challenge Program, or endure the consequences of non-participants calling EPA's bluff. Similarly, there is growing momentum for an "HPV II" program. The need to consider such a program will be especially compelling as the European Union nears the finish line in rolling out its Registration, Evaluation and Authorization of Chemicals (REACH) program.

Activities on endocrine disruptors are also expected to pick up in 2005. EPA has been implementing its Endocrine Disruptor Screening Program (EDSP) since the late 1990s. Some speculate that there will be renewed pressure to produce something soon, or at least demonstrate that progress is being made. EPA has been reviewing comments on its *Federal Register* notice about implementing the EDSP since 1998 and, more recently, reviewing comments on its 2002 notice about selecting chemicals for Tier 1 screening.

## **Budget/resources**

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The push to control the federal budget deficit will not bode well for EPA. FY 2006 will likely see hiring freezes and severely squeezed revenues that will diminish the funds available for travel, training, grants and contractor support. Contractor support cutbacks will directly and adversely affect the program's ability to conduct scientific assessments, since primary science review is usually outsourced to non-government contractors.

Budget constraints will also hamper activities in the chemical regulatory program. This will affect how quickly EPA is able to move forward to address emerging issues such as how nanoscale materials and engineered nanomaterials can and should be addressed under TSCA or other regulatory authorities, how to address a growing spate of publicly vaunted biomonitoring studies showing the presence of various chemicals in humans, and how the U.S. will coordinate its programs with those in the E.U. and other jurisdictions that are moving aggressively forward in implementing strong chemical regulatory requirements. EPA is expected, however, to continue its work on TSCA Inventory nomenclature issues involving enzymes and proteins, and may expand its review of related issues to include nomenclature issues involving nanoscale materials. The lack of necessary resources is expected to result in enhanced opportunities to work with EPA and other stakeholders in crafting novel and perhaps more focused solutions

to the many challenges posed by emerging technologies and EPA's review of the risks and benefits of these technologies.

In the solids and hazardous areas, EPA is expected to shift its sights to recycling and pollution prevention. The Resource Conservation and Recovery Act (RCRA) program is mature, and EPA is expected to focus on other areas that emphasize the reuse of materials. In this regard, EPA's decade-long effort to revise the definition of solid waste under RCRA will continue in 2005 as completing this initiative remains a top EPA priority. Electronic waste issues in particular will be the subject of considerable attention by EPA and the Department of Commerce, as will the regulation of academic laboratory waste.

In the air area, EPA is expected to take final action in March on rules applicable to power plant emissions designed to reduce emission of sulfur dioxide, nitrogen oxides and mercury. EPA is also planning to issue rules on regional haze and emission standards pertinent to fine particles. The enforcement actions against power plant emissions are expected to proceed to trial in 2005, and may even be decided this year.

## Capitol Hill

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It is widely presumed that activity in Congress related to both the pesticide program and the chemical regulation program will continue to be relatively muted. Two specific tasks will face the Senate Environment and Public Works Committee: the legislation amending the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and TSCA to comply with prior informed consent/persistent organic pollutants international agreements, and confirmation of the president's appointments for EPA Administrator, OPPTS and possible ORD assistant administrators. Homeland defense legislation could also impose new requirements and/or restrictions on those who make or sell chemicals or pesticides.

Trade legislation, either as bilateral trade agreements with certain countries, or as general fast-track legislation, would also provide a forum for critics of the Bush administration to push environmental issues onto the Hill agenda. Additionally, as legislation implementing President Bush's Clear Skies Initiative is expected to dominate the air agenda on the Hill in 2005, it is expected that bills similar to those introduced in the 108th Congress will be introduced and considered.



## Conclusion

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Barring the appointment of a new administrator with a clear agenda for change or a particular expertise in environmental issues, both of which are unlikely, most EPA-regulated entities should see little change in the general patterns of behavior or underlying policies. This might prove disappointing for those who think that

EPA policies or the institution itself is due for more fundamental change, particularly in the area of science assessments, accommodating the explosion of issues presented by emerging technologies, its approach to decision-making, the agency's attitude towards regulated entities, allocation of time or resources, agenda, and priority setting, among other key issues.

Some priorities, including contamination incidents and science controversies, will continue to be set by what is pushed onto the EPA agenda by unforeseeable events and/or media attention. Generally, however, EPA will be expected to do its job with minimal notoriety and ever-reduced resources. For the time being, however, the programs will attempt to meet any shortfall with belt-tightening and not challenge the current general modus operandi. *PE*

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