

# TEXAS ENVIRONMENTAL UPDATE



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## TEXAS DEVELOPMENTS

### **TCEQ Announces Exercise of Enforcement Discretion for Power Generating Facilities**

In response to the rolling blackout period experienced in the state as a result of severe cold weather earlier this month, TCEQ issued a press release announcing that it will use enforcement discretion for exceedances of maximum emission limits as well as operational limits for power plants responding to the power emergency that occurred. The press release is available at <http://www.tceq.texas.gov/news/releases/EnforcementDiscretion020211>. Reportedly, the agency will also “favorably consider” using the same enforcement discretion in connection with other types of facilities (e.g., chemical plants and refineries) that had emissions events related to power outages.

### **Title V Air Emissions Fees Rule Proposal Underway**

TCEQ is considering proposed rule changes to increase the annual fees it assesses based on emissions for each source that is subject to the permitting requirements of Title IV or V of the 1990 Federal Clean Air Act Amendments. TCEQ projects that in fiscal year (FY) 2012, emissions fee revenue will be insufficient to adequately fund the operating costs of the federal operating permits program and that this shortfall will continue unless a rule change is adopted. As currently drafted, the rule amendment would, among other things, increase the base rate from \$25 to \$35 per ton in the emissions fee calculation for FY 2012 and allow annual adjustments of the base rate up to a predetermined cap of \$45 per ton. The rule proposal is currently scheduled for consideration by the Commissioners at its agenda meeting on February 23, 2011. Additional information about the rulemaking is available at <http://www.tceq.texas.gov/rules/pendprop.html>.

### **Results of Texas Computer Recycling Program Announced**

TCEQ has announced the results of the collection of computer equipment in the state under the Manufacturer Responsibility and Consumer Convenience Computer Equipment Collection and Recovery Act. From January 1 to December 31, 2010, more than 24 million pounds of computer equipment were collected, an amount that is almost twice as much as that collected last year. TCEQ reports that currently 78 manufacturers are participating in the computer recycling program. Additional information about the Texas Computer Recycling Program is available at <http://www.tceq.state.tx.us/p2/P2Recycle/electronics/computer-recycling.html>.

### **Texas Water Development Board Issues 2011 Regional Water Plans Report**

The Texas Water Development Board (TWDB) has issued a report highlighting the 2011 regional water plans and summarizing the regional water planning process. The report, “Water for Texas: Summary of the 2011 Regional Water Plans,” projects that if Texas went into a repeat of the drought of record, the state would face an immediate need for additional water supplies of 3.6 million acre-feet/year and this need would increase by an additional

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130% between 2010 to 2060. The regional plans present information regarding water management strategies (e.g., improved management of existing water supplies and water reuse) that would be needed to satisfy water supply needs under drought conditions. Information relating to infrastructure financing needs and the social and economic impacts of not meeting water needs is also included in the report. A copy of the report is available at <http://www.twdb.state.tx.us/publications/docs/2011RWPLegislativeSummary.pdf>.

### **Oil and Gas General Operating Permits Revisions and Tools to Determine Compliance with Oil and Gas PBR and Standard Permit Underway**

TCEQ has scheduled a stakeholder meeting on February 22, 2011 in Austin to receive public input on proposed revisions and renewal of Oil and Gas General Operating Permits 511-514. The proposed revisions are intended to incorporate recent federal and state rule changes. The specific changes proposed and additional details about the meeting are available at TCEQ's website at <http://www.tceq.texas.gov/permitting/air/announcements/nsr-announce-02-08-11.html>.

In addition, TCEQ has extended the public comment period on various tools developed by agency staff to determine compliance with site emissions limits of a permit by rule (PBR) or standard permit. These tools include, among other things, an emissions calculation spreadsheet and modeling protocols. The deadline for comments is now February 28, 2011. Additional information is available at <http://www.tceq.state.tx.us/permitting/air/announcements/nsr-announce-10-29-10.html>.

### **TCEQ Grants Enforcement Discretion for Carbon Black MSS Permit Applicants**

TCEQ has recently issued a policy memorandum indicating that it will exercise enforcement discretion for unauthorized emissions from planned maintenance, start-up and shutdown (MSS) activities at carbon black facilities for a period of one year from the date of issuance as long as certain procedures and conditions are met. The policy memorandum applies to carbon black MSS owners and operators that filed according to the schedule in 30 TAC § 101.222(h)(1)(C). Title V deviation reporting requirements will continue to apply. The policy memorandum is available at <http://www.tceq.texas.gov/assets/public/permitting/air/memos/mss-memo1-04-11.pdf>.

### **TCEQ Seeks Public Comment on Development Support Documents**

TCEQ's Toxicology Division is accepting public comment on six proposed development support documents. A development support document (DSD) summarizes how chemical-specific toxicity values were derived based on published guidelines. Comments on the following DSDs will be accepted until May 2, 2011: (1) 1,1,1 - Trichloroethane, (2) 4-Vinylcyclohexane, (3) Methylene Chloride, (4) Pentane, All Isomers, (5) Silica, Amorphous and Other Non-Crystalline Forms, and (6) Nickel and Inorganic Nickel Compounds. TCEQ has revised the draft DSD for nickel based on comments by a panel of expert scientists and both the revised proposal and responses to comments are available on TCEQ's website. For additional information about the proposed DSDs and procedures for submitting comments, please see [http://www.tceq.texas.gov/implementation/tox/dsd/dsds\\_about.html#what](http://www.tceq.texas.gov/implementation/tox/dsd/dsds_about.html#what).

### **Upcoming TCEQ Meetings and Events**

- TCEQ is holding **Texas Emissions Reduction Plan (TERP) Rebate Grant Workshops** around the state this month for applicants, dealers and vendors. Additional information about these workshops is available at [http://www.tceq.texas.gov/implementation/air/terp/terp\\_mtgs.html](http://www.tceq.texas.gov/implementation/air/terp/terp_mtgs.html).

- The ***Southeast Texas Photochemical Modeling Technical Committee***, a TCEQ advisory group that assists the agency in addressing technical air quality issues in the Houston/Galveston/Brazoria (HGB) and Beaumont/Port Arthur (BPA) areas, is holding a meeting in Houston on February 24, 2011. Additional information about the meeting is available at [http://www.tceq.state.tx.us/airquality/airmod/committee/pmtc\\_set.html](http://www.tceq.state.tx.us/airquality/airmod/committee/pmtc_set.html).
- TCEQ is holding a ***Dam Safety Workshop*** in Conroe on March 23, 2011. The workshop will address, among other things, dam safety laws and regulations and emergency action plans. Additional information about the workshop is available at <http://www.tceq.texas.gov/p2/events/dam-safety.html>.

## TCEQ Enforcement Orders

TCEQ announcements for enforcement orders adopted in February can be found on the TCEQ website at <http://www.tceq.texas.gov/news/releases/2-11Agenda2-9>.

## Recent Texas Rules Updates

For information on recent TCEQ rule developments, please see the TCEQ website at <http://www.tceq.state.tx.us/rules/whatsnew.html>.

## NATIONAL DEVELOPMENTS

### Senate Holds First Hearing of the 112th Congress on TSCA Modernization

Overhaul of the Toxic Substances Control Act (TSCA) continues to be a hot issue. On February 3, 2011, Senator Frank Lautenberg (D-NJ) held the first TSCA hearing of the 112th Congress.<sup>1</sup> A main theme promoted by all of the witnesses and attending Senators was that TSCA reform is still possible despite the results of the last election.<sup>2</sup> However, the other issues discussed at the hearing made clear that despite stakeholder agreement on generalities, disagreements over important details still need to be resolved.

#### Legislative Statements

Senator Lautenberg's opening statement built on points he has made over the years regarding various reasons for TSCA reform and the level of stakeholder consensus on the need for TSCA reform. Several of the minority statements, on the other hand, contributed new ideas and sets of principles that are likely to shape future negotiations. Senator David Vitter (R-LA) described the six overarching principles that he has been promoting:

1. The TSCA Inventory of existing chemical substances should be updated, since there are far fewer chemicals in significant commerce (according to Vitter, probably a quarter) than the 84,000 that are listed.
2. A program styled after the European Regulation on Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) would threaten to kill innovation in the U.S. and hamstring small and medium size manufacturers in particular.
3. It is premature to assume that REACH is the future. REACH could actually impair human health and safety by impeding the introduction of safer alternatives into the marketplace.
4. Studies relied on by EPA for limiting particular chemicals must be reproducible and proven.
5. The peer review process must be absolutely independent, and studies must not be "cherry-picked" by "activists" within agencies.
6. If EPA is going to use resources to re-review a chemical prior to an established

timeframe, it must use sound and not politicized science. (This principle refers to EPA's reevaluation of the pesticide atrazine, which is regulated under the Federal Insecticide, Fungicide, and Rodenticide Act rather than under TSCA.)

Senator Vitter's principles echo to some degree the principles offered by Ranking Member Senator James Inhofe (R-OK), who did not attend the hearing but who submitted a written statement. According to Senator Inhofe, TSCA reform must: 1) be based on the best available science; 2) use a risk-based standard for chemical reviews; 3) include more rigorous cost-benefit requirements; 4) protect proprietary information; 5) reduce the likelihood of litigation; 6) avoid compelling product substitution; and 7) prioritize reviews for existing chemicals. These principles essentially mirror those offered by Senator Inhofe in late 2009.<sup>3</sup>

### **Witness Testimony**

All six witnesses testified in support of TSCA modernization. Steve Owens, Assistant Administrator of EPA's Office of Chemical Safety and Pollution Prevention (OCSPP), mainly reiterated prior testimony on TSCA's flaws and their impacts. As in previous hearings, he summarized the Administration's principles for TSCA reform.

Kelly Semrau, Senior Vice President for Global Corporate Affairs, Communication, and Sustainability for S. C. Johnson & Son, Inc., described her company's global sustainability programs and support for modernizing TSCA. While S. C. Johnson "view[s] TSCA first and foremost as a chemical statute, and not a product-based statute," Ms. Semrau said the company would benefit from TSCA modernization to the extent it would increase consumer confidence, increase information for ingredient evaluation, discourage inconsistent state initiatives, and keep pace with global developments. Ms. Semrau highlighted several critical issues, including balancing transparency with protection of confidential business information (CBI).

Steve Goldberg, Vice President and Associate General Counsel for BASF Corporation, a subsidiary of the world's largest chemical company, first highlighted "what TSCA does right," including the protection of CBI. This topic of what works in TSCA received additional attention during questioning. Mr. Goldberg then described reasons for TSCA modernization, focusing on advances in science and technology. Finally, he analyzed a number of "commonalities" in the principles set forth by industry groups and NGOs, especially highlighting the need to avoid a multiplicity of state and local laws, the framework for a risk-based standard, and the need to provide EPA with adequate resources to ensure the success of a modernized TSCA.

Frances Beinecke, President of the Natural Resources Defense Council (NRDC) (a member of the Safer Chemicals, Healthy Families campaign and the Blue Green Alliance), focused on obtaining information on chemicals in the context of chronic illnesses. She referenced public opinion research showing that chemicals management has bipartisan public support. Like other witnesses, she noted the proliferation of state and local chemical requirements as well as retailer and formulator policies, arguing "that trend is likely to continue" without strong federal action. She also cited recent chemical laws in other countries and regions including the EU (REACH), Japan, China, Canada, Taiwan, South Korea, and Israel. Ms. Beinecke's written testimony also cited recent reports by the National Academy of Sciences regarding EPA's toxicology and risk assessment methods.<sup>4</sup>

Cal Dooley, President of the American Chemistry Council (ACC), spoke about the importance of chemistry and innovation to reaching goals including job growth, clean energy, improved infrastructure, efficient transportation options, medical advancements, and sustainable global improvements in living standards. These factors raise the stakes for getting TSCA reform right, Mr. Dooley argued. He then offered suggestions for doing just that, reiterating the ten principles proposed by ACC in August 2009, which were attached to his written testimony.

Finally, Dr. Lynn Goldman, Dean of the George Washington University School of Public Health and Health Services and former EPA Assistant Administrator for Prevention, Pesticides and Toxic Substances (the predecessor to OCSPP), offered her views. Dean Goldman explained opportunities for change in areas such as information gathering,

protection of vulnerable populations, prioritization, risk management, precaution and burden of proof, right to know, and green chemistry. She also submitted for the record a paper she co-authored for the American Bar Association entitled “Practical Advice for TSCA Reform: An Insider Perspective,”<sup>5</sup> in which she and several other former EPA senior officials offer “observations and cautions about select elements of the debate heard thus far.”

### **Major Themes**

#### ***Impact of the 2010 elections on prospects for legislation.***

Senator Lautenberg, who introduced TSCA legislation in the 109th, 110th and 111th Congresses, indicated that he is “committing to moving TSCA reform legislation in this Congress.”

While directly acknowledging that the political landscape has “shifted somewhat,” Senator Lautenberg noted that other environmental laws such as the Safe Drinking Water Act and the Food Quality Protection Act passed in previous Republican-dominated Congresses, and asked his Republican colleagues for serious dialogue. He asked all of the witnesses if they thought that legislation could pass this Congress, and they all said that they did. Ranking member Senator Inhofe (R-OK), who did not appear at the hearing, submitted a statement that emphasized the need for “a bill that can pass both the House and the Senate.” Thus, bipartisanship appears to be recognized as necessary.

Industry participation was also widely acknowledged as necessary for TSCA legislation to advance in this Congress. Senator Lautenberg asked Cal Dooley, the CEO of ACC, whether ACC would share its ideas on how to create a workable chemicals management system, and Mr. Dooley agreed that ACC would do so.

#### ***Impact of TSCA reform on the economy.***

Nearly all of the attending Senators, and all of the witnesses, addressed protecting jobs and the economy as an important issue.

The economic debate also looked to international reference points. Senator Lautenberg asked about companies doing business in Europe or selling into Europe which are making “record profits.” He may have been implying that the REACH model can be adapted for the United States without significant negative impact on businesses. Mr. Dooley, however, observed that REACH is still in its infancy, and argued that legislators and NGOs should resist assuming that the U.S. chemicals management program is “falling behind” until the accomplishments of REACH can be better evaluated.

#### ***Actions at the state and local level to regulate chemicals.***

Senator Lautenberg and witnesses cited recent reports that legislators in thirty states are planning to introduce chemicals legislation this year.<sup>6</sup> Several witnesses identified conflicting state laws as a reason for a stronger federal TSCA. However, witnesses and several of the Senators in attendance were divided on whether a preemption provision is needed, or whether it would be sufficient for a strengthened TSCA to reduce the impetus for most state chemical laws by restoring public confidence.

#### ***CBI and transparency.***

Both Senator Lautenberg and Steve Owens from EPA acknowledged that some information claimed as CBI should be protected. Ms. Semrau, from S. C. Johnson, endorsed the concepts of sharing CBI with state and foreign governments under appropriate restrictions, up-front substantiation of CBI claims, and time limits on CBI claims.

It may be noteworthy that Senator Inhofe’s statement for the record indicated that “if we can’t get the votes we need for a comprehensive solution, then we may have to consider alternative legislative options to address specific issues that might have broader bipartisan support.” In light of an apparent emerging consensus on treatment of CBI, CBI may be just such an issue.



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- <sup>1</sup> Subcommittee on Superfund, Toxics and Environmental Health, "Assessing the Effectiveness of U.S. Chemical Safety Laws" (Hearing, Feb. 3, 2011), statements and remarks available at [http://epw.senate.gov/public/index.cfm?FuseAction=Hearings.Hearing&Hearing\\_id=cd4fd6b9-802a-23ad-4d18-eac94d1414b3](http://epw.senate.gov/public/index.cfm?FuseAction=Hearings.Hearing&Hearing_id=cd4fd6b9-802a-23ad-4d18-eac94d1414b3). Also added to the official record were written statements from the Society of Chemical Manufacturers and Affiliates (SOCMA), available at [http://www.socma.com/assets/file/socma1/PDFfiles/GR\\_PDF\\_files/Lautenberg-Inhofe-Letter-TSCA-Hearing-020211-FINAL.pdf](http://www.socma.com/assets/file/socma1/PDFfiles/GR_PDF_files/Lautenberg-Inhofe-Letter-TSCA-Hearing-020211-FINAL.pdf); the National Petrochemical & Refiners Association (NPRA), available at [http://www.npra.org/newsRoom/?fa=viewCmsItem&title=Latest News&articleID=6877](http://www.npra.org/newsRoom/?fa=viewCmsItem&title=Latest%20News&articleID=6877); and, the National Council of Churches of Christ (NCC) Eco-Justice Program, available at <http://www.ncccojustice.org/downloads/health/senatetoxicshearingltr.pdf>.
- <sup>2</sup> See Beveridge & Diamond, P.C., "Prospects for TSCA Legislation in the 112th Congress" (Jan. 28, 2011), available at <http://www.bdlaw.com/news-1049.html>.
- <sup>3</sup> See Beveridge & Diamond, P.C., "Senate Oversight Hearing on TSCA Highlights Familiar Concerns, New Science" (Dec. 4, 2009), available at <http://www.bdlaw.com/news-747.html>.
- <sup>4</sup> See Beveridge & Diamond, P.C., "Developments in EPA Risk Assessment" (June 19, 2009), available at [http://www.bdlaw.com/assets/attachments/June\\_2009\\_Update\\_on\\_Developments\\_in\\_EPA\\_Risk\\_Assessment.pdf](http://www.bdlaw.com/assets/attachments/June_2009_Update_on_Developments_in_EPA_Risk_Assessment.pdf); Beveridge & Diamond, P.C., "Developments in Chemical Toxicity Testing" (June 19, 2009), available at [http://www.bdlaw.com/assets/attachments/June\\_2009\\_Update\\_on\\_Developments\\_in\\_EPA\\_Chemical\\_Testing.pdf](http://www.bdlaw.com/assets/attachments/June_2009_Update_on_Developments_in_EPA_Chemical_Testing.pdf).
- <sup>5</sup> James V. Aidala, Jr., Charles M. Auer, Lynn R. Goldman, M.D., and James B. Gulliford, "Practical Advice for TSCA Reform: An Insider Perspective" (June 30, 2010), available at [http://epw.senate.gov/public/index.cfm?FuseAction=Files.View&FileStore\\_id=86806f67-e47e-4cf3-9612-550104e7685a](http://epw.senate.gov/public/index.cfm?FuseAction=Files.View&FileStore_id=86806f67-e47e-4cf3-9612-550104e7685a).
- <sup>6</sup> See Beveridge & Diamond, P.C., "Update on State Efforts to Regulate Chemicals" (Feb. 2, 2011), [www.bdlaw.com/news-1070.html](http://www.bdlaw.com/news-1070.html).

## Update on State Efforts to Regulate Chemicals

In the absence of major legislation to overhaul the federal chemicals management laws,<sup>1</sup> states are stepping in. As 2011 legislative sessions begin, a number of states, working together, are considering new policies and proposals intended to monitor and regulate the production, labeling, use, and disposal of chemicals and a wide range of products containing chemicals. These initiatives raise concerns for chemical producers and users as well as product manufacturers and distributors. This alert reviews these state developments.

### *Interstate Chemicals Clearinghouse*

The environmental agencies of nine states (California, Connecticut, Massachusetts, Michigan, Minnesota, New Jersey, New York, Oregon, and Washington, along with the city of Portland, Oregon) have formally launched the Interstate Chemicals Clearinghouse (IC2).<sup>2</sup> This initiative, under the auspices of the Northeast Waste Management Officials' Association (NEWMOA), began in 2008. It has held a number of workgroup meetings and webinars for its member state agencies as well as "supporting member" NGOs. The formal launch in January 2011 is the result of a new Memorandum of Understanding and governance structure that cement the participation of the members.

IC2's stated goals are to:

- Avoid duplication and enhance the efficiency and effectiveness of state, local, and tribal initiatives on chemicals through collaboration and coordination;
- Build agency capacity to identify and promote safer chemicals and products; and
- Ensure ready access to high quality chemicals data and assessment methods.

Toward these ends, the IC2 plans to build online databases for priority chemicals listed by government entities, hazard and toxicity information, chemical use information, and safer alternatives assessments. Its Database Workgroup "has been reviewing a variety of chemicals databases from around the world and discussing how the Clearinghouse may develop its own data system to meet the needs of its members."<sup>3</sup> IC2 also plans to assist states with development of regulatory and voluntary programs, sharing of information and strategies, training to build regulatory capacity, and increasing collaboration with the U.S.

Environmental Protection Agency.<sup>4</sup> Notably, IC2 aims to share “outcomes on chemicals prioritization initiatives,” such that a chemical listing or restriction in one jurisdiction could more easily trigger similar—but not necessarily identical—requirements in other IC2 member states.

NEWMOA also operates the Interstate Mercury Education & Reduction Clearinghouse (IMERC),<sup>5</sup> now in its tenth year. Prior experience with that initiative demonstrates that IC2 may have a real impact on industry. Among other impacts, IMERC has helped spur member states to enact and to some extent streamline a variety of mercury product labeling, notification, collection, phase-out, and prohibition statutes and regulations.

According to its press release, IC2 is “inviting additional governmental entities, businesses, non-governmental organizations, academic researchers, consultants, and others to join them in the partnership.”<sup>6</sup> Interested companies and trade associations may therefore bring their perspective to the table—as long as they “demonstrate support” for “reducing the use of toxic chemicals or the generation and release of toxic pollutants [and] promoting environmental sustainability,” and the IC2 Board of Directors votes to approve their membership applications.<sup>7</sup>

### ***Other State Initiatives***

The National Caucus of Environmental Legislators (NCEL) recently announced that a variety of chemicals management-related bills would be introduced in at least thirty states and the District of Columbia in the current legislative session.<sup>8</sup> According to NCEL, the bills are likely to include:

- Comprehensive state laws (Connecticut, Illinois, Massachusetts, Michigan, Minnesota, New York, Oregon, Washington and Vermont);
- Bisphenol A (BPA) phase-outs in children’s products and/or receipt paper (Connecticut, Hawaii, Idaho, Illinois, Iowa, Kentucky, Maine, Maryland, Massachusetts, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania, Tennessee, Texas and the District of Columbia);
- Banning cadmium in children’s products (Florida, Kentucky, Maine, Maryland, Michigan, Mississippi, New Jersey and New York);
- DecaBDE phase-outs (Alaska, Massachusetts, New York and the District of Columbia); and
- State resolutions calling on Congress to overhaul the Toxic Substances Control Act (TSCA) (Alaska, California, Delaware, Georgia, Iowa, Maine, Massachusetts, Montana, South Dakota, Texas and Wisconsin).

While introduction is a far cry from passage, numerous green chemistry and chemical-specific regulations, such as restrictions on BPA in products, have been passed at state and local levels in recent years.<sup>9</sup> Green chemistry regulatory provisions continue to be developed in California under its Green Chemistry Initiative.<sup>10</sup> It should be noted, however, that issues related to chemicals did not make the “Top 11 for 2011” list of critical state legislative issues released by the National Conference of State Legislatures.<sup>11</sup>

In addition to their potential direct impacts on industry, these bills may affect the prospects for federal TSCA legislation. Industry increasingly faces a patchwork of inconsistent and burdensome state and local chemical requirements. Preemption of state laws is therefore a key motivation for industry support for TSCA reform. However, the bills introduced during the last session of Congress by Democrats in the House and Senate would have removed even TSCA’s current, limited preemption provisions.<sup>12</sup> The Environmental Council of the States issued a policy recommendation in 2010 supporting “congressional action on TSCA reform that ... ensures the preservation of state authority to protect citizens and the environment from toxic exposures and to manage chemicals of concern; and only restricts that authority if compliance with both state and federal law would be impossible.”<sup>13</sup> In light of general Democratic, NGO, and state opposition to federal preemption of state legislation,

a multiplicity of state chemicals management proposals may complicate stakeholder negotiations.

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<sup>1</sup> See Beveridge & Diamond, P.C., "Prospects for TSCA Legislation in the 112th Congress" (Jan. 28, 2011), <http://www.bdlaw.com/news-1049.html>.

<sup>2</sup> NEWMOA, Chemicals Clearinghouse (IC2), <http://www.newmoa.org/prevention/ic2/index.cfm>.

<sup>3</sup> NEWMOA, IC2 Workgroups, <http://www.newmoa.org/prevention/ic2/workgroups.cfm>.

<sup>4</sup> Ken Geiser and Terri Goldberg, "Envisioning the Future of the Interstate Chemicals Clearinghouse" (July 15, 2010), [http://www.newmoa.org/prevention/webconferences/plancom/IC2\\_Future.pdf](http://www.newmoa.org/prevention/webconferences/plancom/IC2_Future.pdf).

<sup>5</sup> NEWMOA, Interstate Mercury Education & Reduction Clearinghouse (IMERC), <http://www.newmoa.org/prevention/mercury/imerc.cfm>.

<sup>6</sup> IC2 Press Release, "State and Local Governments Form Interstate Chemicals Clearinghouse to Promote Toxics Reduction" (Jan. 26, 2011), <http://www.newmoa.org/prevention/ic2/about/pressrelease.cfm>.

<sup>7</sup> NEWMOA, IC2 Supporting Members, <http://www.newmoa.org/prevention/ic2/membership/supportingmember.cfm>.

<sup>8</sup> National Caucus of Environmental Legislators, "At Least 30 States to Tackle Children's Health and Toxics in 2011" (Jan. 18, 2011), [http://www.ncel.net/base.cgim?template=bulletins\\_archive](http://www.ncel.net/base.cgim?template=bulletins_archive). See also Safer Chemicals, Healthy Families, "30 States Nationwide to Announce Upcoming Bills to Protect Kids and Families from Toxic Chemicals on Wed. Jan 19" (Jan. 18, 2011), <http://www.saferchemicals.org/2011/01/30-states-nationwide-to-announce-upcoming-bills-to-protect-kids-and-families-from-toxic-chemicals-on.html>.

<sup>9</sup> See, e.g., Beveridge & Diamond, P.C., "Green Chemistry Developments at the State Level" (May 5, 2010), <http://www.bdlaw.com/assets/attachments/05-05-10%20BD%20Client%20Alert%20-%20State%20Green%20Chemistry.pdf>; Beveridge & Diamond, P.C., "Bisphenol A: A Hot Topic at FDA, EPA, States, and the Courts" (Feb. 19, 2010), <http://www.bdlaw.com/news-810.html>.

<sup>10</sup> See, e.g., Beveridge & Diamond, P.C., "California Announces It Will Not Adopt Green Chemistry Safer Alternatives Regulations for Consumer Products by the January 1, 2011 Statutory Deadline" (Dec. 30, 2010), <http://www.bdlaw.com/news-1036.html>; Beveridge & Diamond, P.C., "California Revises Proposed Green Chemistry Safer Alternatives Regulations for Consumer Products; State on Track to Finalize Regulations By Year End" (Nov. 19, 2010), <http://www.bdlaw.com/news-995.html>.

<sup>11</sup> National Conference of State Legislatures, "Top 11 issues of 2011: Fourth consecutive year fiscal conditions will dominate legislative sessions" (Dec. 16, 2010), <http://www.ncsl.org/?tabid=21929>.

<sup>12</sup> See, e.g., Beveridge & Diamond, P.C., "Proposed Legislation Would Overhaul TSCA" at 11 (Apr. 23, 2010), <http://www.bdlaw.com/news-852.html>.

<sup>13</sup> Environmental Council of the States, "Reforming the Toxic Substances Control Act," Resolution 10-8 (approved Aug. 30, 2010), [http://www.ecos.org/files/4195\\_file\\_Resolution\\_10\\_8\\_TSCA\\_reform.DOC](http://www.ecos.org/files/4195_file_Resolution_10_8_TSCA_reform.DOC).

## FIRM NEWS & EVENTS

### Benjamin F. Wilson Elected to Environmental Law Institute Board of Directors

Beveridge & Diamond, P.C. is pleased to announce that Benjamin F. Wilson has been elected to the Board of Directors of the Environmental Law Institute (ELI). Mr. Wilson is the Managing Principal of Beveridge & Diamond.

ELI announced on February 1, 2011 the election of five environmental leaders to the Board for the 2011-2013 term of service. ELI is an independent, non-profit research and educational organization based in Washington, DC. ELI is dedicated to making the law work for people, places and the planet. The Institute serves the environmental profession in business, government, the private bar, public interest organizations, academia, and the press.

"Ben Wilson brings tremendous energy, insight and experience to the ELI Board and we are delighted to continue our firm's long standing support for the work of Institute," said Paul Hagen, a Principal in Beveridge & Diamond's Washington, DC office and former Chair of ELI's Board of Directors.





Mr. Wilson also currently serves on the Board of Directors of the Northwestern Mutual Life Insurance Company, and the Board of Trustees of the Maryland/DC Chapter of The Nature Conservancy.

To read more about the Environmental Law Institute, please visit their website at <http://www.eli.org>. To read the ELI press release, *Five Environmental Leaders Named to ELI Board of Directors*, please go to <http://www.eli.org/pressdetail.cfm?ID=220>.

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New Jersey

Texas

California