

# What Senator Boxer Wants, She Gets Or So it Seems

By ACSH Staff — October 2, 2015



Although no longer the ruler of the U.S. Senate roost since the

Republican takeover, and while she's facing imminent retirement, California's senior Senator Barbara Boxer is not yielding power so soon. As a fervent one might say religious supporter of revising the 39-year-old Toxic Substances Control Act of 1976, she has been at the center of negotiations involving Democrats, Republicans, industry, and her close confidantes in the environmental Green lobby since the subject first arose.

All now agree that the TSCA is now inadequate to deal with the modern chemical science, if it ever was. Sen. Boxer's first few tries at amending the law were deemed high-handed and excessively stringent in their regulatory zeal during the first decade of the 21st century.

Perhaps sensing that she had become too close to the situation to be productive, she took, if not a back seat, at least a less-visible role over the past five years or so. Taking charge was Sen. Frank Lautenberg (D-NJ), who found a cooperative partner in Louisiana's Republican conservative Sen. David Vitter. And together, they crafted what seemed to be a workable revision of TSCA, accumulating over 50 co-sponsors.

But Sen. Lautenberg's illness recurred, and he had to bow out. He passed away in June 2013, but the unfinished business of TSCA revision continued with New Mexico's Sen. Tom Udall filling his shoes. It seemed highly likely that the *Frank R. Lautenberg Chemical Safety for the 21st Century Act*, along with its companion bill in the House, would become law before that summer recess more than two years ago.

Nope.

Sen. Boxer was not pleased with the newly revised draft.

It failed to carry many of her favored regulations, especially including a possible method for chemical makers to evade California's Prop. 65 or Safe Drinking Water and Toxic Enforcement Act of 1986. This inane measure, which requires anything sold in the Empire of California to carry a label announcing the presence of a carcinogen, if such a substance is present, has added nothing to public health. But it has created a cottage industry of predatory lawyers who sue transgressors of the labeling law.

In effect, this law imports Europe's precautionary principle into our nation (at least on the west coast), since there is nothing in the law about level of chemical or exposure. Risk is not a factor, only the presence at any level, of a carcinogen.

So here we are. Overwhelmingly, lawmakers of both parties, industry members, and most reasonable environmental groups are gung-ho in favor of the Lautenberg bill to reform and modernize chemical safety regs.

Standing on the shore, hand upraised to stem the tide: Sen. Barbara Boxer.

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