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April 19, 2011

(Wisconsin Congressional Delegation)

(Federal Agency Heads, incl. the Environmental Protection Agency, National Nanotechnology Initiative, President's Office of Science and Technology Policy, Occupational Safety and Health Admin., Consumer Product Safety Commission, National Institute for Occupational Safety and Health, U.S. Chemical Safety and Hazard Investigation Board, Department of Agriculture, Food and Drug Admin.)

Re: Federal Programs Related to Nanotechnology

Dear ():

The Special Committee on Nanotechnology was created by the Wisconsin Joint Legislative Council to examine the human health and environmental concerns related to the manufacture, use, and disposal of nanomaterials, to consider the monitoring of nanomaterials, and to develop strategies to facilitate the development of nanotechnology to create and retain jobs in Wisconsin, including ways in which the government can help the public and private sectors address potential risks and meet regulatory requirements.

The committee has explored a wide range of issues related to nanotechnology. The activities of the committee can be reviewed at:

<http://legis.wisconsin.gov/lc/committees/study/2010/NANO/index.html>.

The committee heard testimony about the impressive economic development potential of nanotechnology from a number of businesses and research facilities in Wisconsin that are at the forefront of this emerging industry. The committee conducted a review of numerous federal programs and policies that impact nanotechnology and received testimony that raises concerns about various potential health, safety, and environmental impacts of nanomaterials. As a result of its months of inquiry and study, the committee is seeking your help to effect positive changes in federal policies and programs that will enable nanotechnology businesses to develop and prosper in this emerging industry and also ensure that adequate resources and attention are focused on the health, safety, and environmental concerns related to nanotechnology that have been identified. The committee believes these issues are best addressed at the federal level to ensure uniform regulation and to allow for the most efficient use of resources. Accordingly, and with recognition that federal

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agencies are at different stages in the development of their approaches to nanomaterials, the committee makes the following recommendations:

Workplace Safety – The committee commends the National Institute for Occupational Safety and Health (NIOSH) for its excellent research and advocacy to protect the health and safety of workers exposed to nanoscale materials. The committee urges NIOSH to continue this work and urges other federal agencies to take note of this work and incorporate the information and recommendations developed by NIOSH into regulatory efforts to ensure safety of products and to protect the environment. The committee also recommends that OSHA require material safety data sheets to provide information about any nanomaterials intentionally included in a material, and urges the federal government take the lead in establishing and disseminating best practices for handling of nanomaterials.

Chemicals Regulation – The committee recommends that the federal government continue to evaluate and update its system of regulating chemicals to ensure that the regulations are effective in addressing the unique characteristics of nanomaterials. The committee heard testimony indicating that chemicals regulations developed prior to the common usage of nanomaterials are inadequate as applied to nanomaterials because they are based solely on chemical composition of materials. The committee supports efforts undertaken by the Environmental Protection Agency (EPA) to address this issue by requiring stricter testing of certain nanoscale chemicals and encourages the agency to continue and expand this effort. The committee also strongly urges EPA to consider revising reporting requirements that are currently based on volume to ensure that use of nanomaterials is adequately reported, and to share information on use of nanomaterials with state regulatory bodies to the greatest extent possible.

Federal Nanotechnology Research – Currently, research funding focusing on the risks of nanotechnology encompasses only a small portion of total federal research funding devoted to nanotechnology. Although the nanotechnology industry has significant potential to improve our overall quality of life, it is imperative to proactively identify and manage any potential risks so that human health and the environment are protected. Taking these proactive steps will also help ensure that the nanotechnology industry does not suffer setbacks that may result from a loss of public confidence in this technology. Therefore, the committee requests that the federal government grant high priority to funding research related to the environmental, health, and safety aspects of nanomaterials, especially with respect to nanomaterials with wide distribution in consumer products. The committee also recommends that research into these aspects of nanomaterials consider the impacts of materials throughout their entire life cycle, including production, use, and disposal.

Regulation of Consumer Products – The committee recommends that the federal government significantly expand and expedite research into the need for regulation of consumer products containing nanomaterials, and develop regulations as needed to protect consumers and the environment. We also recommend that federal agencies strive to coordinate regulation of consumer products with regulatory trends and developments in other countries, particularly Canada and the European Union, to ensure that U.S.-made products remain competitive in other markets and products imported into the United States are safe. We recommend as well that relevant federal agencies remain abreast of research activities in other countries and that the experiences of other countries be considered when designing federal efforts to study and regulate nanotechnology.

We appreciate your consideration of these requests, and appreciate the efforts that have already been made by the federal government in support of and with the intent of better understanding nanotechnology. Please feel free to contact us with any questions or comments, or regarding other ways that we might work together in support of this emerging field.

Sincerely,

Senator Sheila Harsdorf, Chair
Special Committee on Nanotechnology

Senator Mark Miller, Vice-Chair
Special Committee on Nanotechnology

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