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Bureaucracies of Data Gaps
How Companies Make and Maintain Lists of Toxic Chemicals

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The collection and assessment of chemical data have been critical objectives of regulators for many years, but efforts in that direction have often resulted in failures (O'Reilly, 2010). The recent adoption of the REACH[1] regulation in the European Union in 2006, thirty years after that of the Toxic Substances Control Act (TSCA) in the United States, illustrated how massive the ignorance about toxic chemicals remained. In the last 150 years, about 70 million chemicals have been synthesized. Estimates indicate that 100,000 of them are found in consumer products of daily use: drugs, cosmetics, detergents, food, clothes and as contaminants in the environment. To date, only a few dozen have been extensively assessed[2].

Many commentators describe REACH as "truly revolutionary", as it is capable of making the chemicals sector "more healthy and transparent" by creating "a more green and clean chemicals industry, less pollution in the environment, safer workplaces and safer homes", to use the words of former European Commissioner for the Environment Margot Wallström. Whether from the perspective of information management (Koch & Ashford, 2006), the relative importance of the precautionary principle (Karlsson, 2010 ; Vogel, 2012) or from the standpoint of a more systematic comparison of TSCA and REACH (Applegate, 2008), the critics are relatively unanimous: where TSCA has failed, REACH is described both as an innovation opportunity and a paradigm shift in chemicals management (Fuchs, 2009).

In this presentation, I show how the study of regulatory lists can provide a much more nuanced picture, by revealing the underlying relationships of power and domination their production and maintenance entail. Regulating chemicals involves building and maintaining a regulatory system that makes the collection, organization and evaluation of chemical data possible. Implementation of these objectives requires the development, negotiation and circulation of regulatory lists. Inspired by studies in the anthropology of writing (Denis & Pontille, 2013 ; Goody, 1977), this presentation place such lists at the center of the analysis.

[1] The European regulation on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), adopted in 2006, and TSCA, adopted in 1976 in the United States, have very similar objectives. They both regulate tens of thousands of chemicals, try and assess their risks and possibly ban some of them if necessary.
[2] A 1998 report by prepared by the European Commission indicated for instance that only 19 risk assessment reports had been completed at that point, in the EU, out of the hundreds of priority chemicals selected by the authorities.

More specifically, I show how the work of making and maintaining lists of chemicals affects how regulations work, who does the regulating, and what counts as an object of chemical regulation in the first place. I follow how a toxic solvent, trichloroethylene (TCE) after being "registered", was selected as a "priority chemical" and then included in the "authorization list", a list of chemicals that can no longer be placed on the market unless they have been temporarily authorized for a specific use. The trajectory of TCE illustrates how the production and maintenance of the authorization list is primarily based on knowledge produced by chemicals firms. Although regulators regularly show their efficiency by publicizing the authorization list, the study of its production shows that it replicates the information and resource asymmetries that existed before.

In this process, maintaining lists in chemical regulation is both a way to maintain the REACH framework – as it allows for the formulation of exemptions – and to maintain our ways of life and our industry – that heavily relies on chemicals that can be toxic, as the numerous scandals they cause illustrate (Bhopal disaster, asbestos scandal, proliferation of endocrine disruptors). The story of TCE that I retrace in my talk is based on an ethnographic study carried out the various regulatory spaces that it traveled through, and on administrative documents and reports produced by the actors involved in the process. It is told from the perspective of an expert from the French health safety agency involved in the different phases of the procedure.

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