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Representative John Shimkus, Chair
Representative Paul Tonko, Ranking Member
House Energy and Commerce Subcommittee on Environment and the Economy
2125 Rayburn House Office Building
Washington, DC 20515

Sunday, March 09, 2014

Dear Chairman Shimkus and Ranking Member Tonko,

On behalf of the Asbestos Disease Awareness Organization (ADAO), the largest independent asbestos victims' organization in the U.S., I am writing to express our opposition to the House Energy and Commerce Environment and the Economy Subcommittee Chemicals in Commerce Act (CICA). Our organization and your constituents are concerned that the discussion draft released last week does not deliver meaningful reform to the Toxic Substances Control Act of 1976 (TSCA) and does not adequately protect Americans from the worst toxic chemicals, such as asbestos.

The "Chemicals in Commerce Act" discussion draft has the following flaws:

- **Next to Impossible to Phase Out or Ban Harmful Chemicals.** CICA would make it impossible for EPA (the Environmental Protection Agency) to ban or phase out the worst of the worst toxic chemicals on the market. EPA would still not be able to ban or restrict asbestos under the proposed law, and would be even more unlikely to restrict existing chemicals than it is now.
- **Grossly Inadequate Safety Standard.** The legislation's safety standard would place a heavy burden on EPA to find that a chemical such as asbestos is unsafe, rather than shifting the burden to chemical companies to show that the chemicals they manufacture are safe, and even adding a new hurdle to EPA action.
- **Lack of Deadlines to Ensure Safety.** The discussion draft provides no deadlines or minimum requirements for identifying high-priority chemicals warranting action and no schedule for assessing and regulating such chemicals. When EPA does take action, the CICA blocks it from limiting releases of chemicals into the environment, a further rollback of existing law.
- **Unworkable Standard of Court Review.** The CICA would retain the unworkable standard of court review found in TSCA, which ultimately prevented EPA from being able to ban asbestos in 1989 without reforming or redefining it.

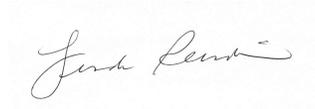
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- **Freeze on State Efforts to Protect People from Chemicals.** The CICA contains far-reaching language that would paralyze states from being able to enforce existing laws or pass new ones to increase protections against harmful chemicals such as asbestos, including state information collection, reporting and warning requirements.

Each year, 10,000 men, women, and children die from preventable asbestos-related diseases and imports continue. Americans are unable to identify or manage the risk from toxic chemicals, such as asbestos, in their homes, communities, consumer shelves, and workplaces. As Congress works to reform TSCA, ADAO urges you to address our concerns outlined above regarding the CICA's critical flaws and pass legislation that truly protects Americans from preventable toxic diseases.

Thank you for your commitment to public health.

Sincerely,

A handwritten signature in cursive script, appearing to read "Linda Reinstein", is centered on a light gray rectangular background.

Linda Reinstein, President and Co-Founder, Asbestos Disease Awareness Organization (ADAO)