

Center for Environmental Health

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The Honorable John Shimkus (IL-15)
Chairman, Subcommittee on Environment
and the Economy
2125 Rayburn House Office Building
U.S. House of Representatives
Washington, DC 20515

March 11, 2014

Dear Chairman Shimkus:

The Center for Environmental Health (CEH) applauds your interest in amending the long-outdated Toxic Substances Control Act (TSCA). Toxic chemicals have been linked to a host of health problems including skyrocketing rates of cancer, asthma, early puberty and developmental disabilities. Science has also established links between our increased exposure to industrial chemicals and the increase in reproductive health problems, including decreased fertility, miscarriages, preterm births, and birth defects. It is our firm belief, however, that the Chemicals in Commerce Act fails to provide American children and families with basic and necessary protections from the effects of harmful toxic chemicals, and CEH urges you to move forward with a new framework for TSCA reform.

Since TSCA's original passage in 1976, the number of toxic chemicals present in U.S. consumer products has sky-rocketed. TSCA is the primary federal mechanism for ensuring that the chemicals we encounter every day – from children's toys to cleaning products to electronics – are definitively safe for all Americans to use. While we respect the Chairman's interest in better facilitating interstate commerce for chemicals, CEH is concerned that this interest has dangerously overshadowed public health and safety protections.

CEH, in agreement with the analysis of Safer Chemicals Healthy Families, a coalition of 450 diverse organizations and businesses, is concerned that the following provisions in the Chemicals in Commerce Act will jeopardize the health and safety of American children and families:

- Full preemption of state laws violates the basic tenet of states' rights and puts millions of Americans – who would otherwise be protected – at risk for toxic chemical exposure.
- Inadequate protections for vulnerable populations, like children, pregnant women, and those living and working in highly-polluted areas, jeopardize those most at-risk for toxic chemical exposure and its harmful implications.

- Inadequate requirements around information disclosure will leave Americans guessing about whether a chemical may be harmful to them or their children.
- The “unreasonable risk of injury” is a far higher safety standard than current law, leaving thousands of untested chemicals on the market without providing consumers or the EPA with full knowledge of their health and safety impacts. This broken standard is what prevented the Environmental Protection Agency (EPA) from protecting Americans from the dangerous health impacts of asbestos.
- EPA will be severely limited in its ability to require testing of potentially dangerous chemicals.
- There is no schedule for issuing, updating, and taking action on the list of high-priority chemicals and no assurance that chemicals threatening public health or the environment can be assessed and regulated where warranted. American consumers need the assurance that chemicals that pose a danger to health and the environment are swiftly assessed and taken off the market or do not enter the market in the first place.
- Chemicals with potentially dangerous health effects may never be reviewed for their safety when they are designated as low-priority. This low-priority designation is not based on a full examination of a chemical’s risks, but rather only requires EPA to conclude that the chemical is “unlikely” to present an unreasonable risk; this concept dangerously takes into account the chemical’s economic benefits at the risk of overshadowing evidence of adverse effects on public health.

We strongly support TSCA reform, Mr. Chairman, but the Chemicals in Commerce Act simply fails to adequately protect the health and safety of American children and families. We have shared similar concerns regarding the Chemical Safety Improvement Act, S. 1009, and we caution the Chairman from viewing this legislation as a potential alternative. We urge you to adopt a new framework for TSCA reform and we offer our support and assistance in drafting legislation that better balances industry needs with critical health and safety standards.

Sincerely,

Michael Green
Executive Director, Center for Environmental Health