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Sent Via Facsimile

March 12, 2014

The Honorable Jon Shimkus
U.S. House Energy and Commerce
Subcommittee on Environment and the
Economy
U.S. House of Representatives
Washington, DC 20515

The Honorable Paul Tonko
U.S. House Energy and Commerce
Subcommittee on Environment and the
Economy
U.S. House of Representatives
Washington, DC 20515

The Honorable Fred Upton
House Energy & Commerce Committee
U.S. House of Representatives
Washington, DC 20515

The Honorable Henry Waxman
House Energy & Commerce Committee
U.S. House of Representatives
Washington, DC 20515

Dear Chairmen Shimkus and Upton, and Ranking Members Tonko and Waxman:

Dignity Health is grateful for the opportunity to dialogue with you on chemical policy reform and for your leadership in the U.S. House of Representatives to carefully consider the impacts of toxic chemicals on human health and the environment, commerce and the nation's economy. Dignity Health, one of the largest health care systems in our country, is a 21-state network of nearly 9,000 physicians, 55,000 employees, and more than 380 care centers, including hospitals, urgent and occupational care, imaging centers, home health, and primary care clinics. Dignity Health is dedicated to providing compassionate, high-quality and affordable patient-centered care with special attention to the poor and underserved.

Please know of Dignity Health's steadfast commitment to a healing mission as we remain focused in furthering the transformation and sustainability of healthcare. We believe that true modernization of the Toxic Substance Control Act (TSCA) is essential to healthcare reform—in achieving the goals of bending the healthcare cost curve, elevating quality of care, improving population health. We are deeply disappointed that in several ways the Chemicals in Commerce Act (CICA) takes the nation even further backwards from what is provided in S. 1009, the Chemical Safety Improvement Act (CSIA), with which we have expressed grave concerns. Although more clearly drafted than the Senate bill, CICA falls well shorter of strengthening public health protections and addressing toxic chemical threats. As drafted, Dignity Health cannot support the Chemicals in Commerce Act.

Dignity Health was honored to be invited to the Senate Committee on Environment and Public Works hearing on *"Strengthening Public Health Protections by Addressing Toxic Chemical*

Threats,” (June 31, 2013), where our Vice President of Community Health and Mercy Sister Susan Vickers provided testimony. It was our great hope that we would soon witness positive development (from both houses) towards meaningful legislation we could support. As a healthcare provider and a steward of business in the healthcare industry, Dignity Health continues to have faith and resolve that TSCA reform must achieve the necessary protections for public health and the environment. The following guiding principles must drive and show up brightly in any chemical reform legislation:

- **Transparency and Disclosure:** We believe that providers of healthcare, businesses, patients and consumers—all in America and the global community deserve to have access to information about chemicals and regarding the safety of a product across its lifecycle. Domestic manufacturers and suppliers, as well as America’s trading partners have a unique responsibility in the marketplace to increase as appropriate the transparency and disclosure of the chemical constituents in their products.
- **Safety and Continuous Improvement:** Standing for the common good, we hold that the public, with special attention to vulnerable populations, should be safeguarded against toxic chemicals and protected to the fullest extent possible, including eliminating chemicals of high concern, minimizing exposure when hazards cannot be prevented, redesigning products and processes to avoid the use and/or generation of hazardous chemicals. Chemical management is an on-going process and ever-evolving science. We must therefore promote continuous improvement and the development of a green economy, including support for green chemistry research, education and best practices.
- **Authority and Action:** Government, both federal and state, must have clear roles and direct authority to reduce risks to human health and the environment posed by “existing” chemicals, and to have the ability to test and have oversight for “new” chemicals. As stewards of our nation’s resources, authoritative agencies we believe must be nimble and effective. TSCA reform legislation must neither place inappropriate nor insurmountable burden on the U.S. Environmental Protection Agency (EPA); and must not impose unprecedented restrictions on state chemical programs to appropriately act on any chemical for which EPA has made a safety determination, including assessing, limiting or restricting use as necessary.

The Chemicals in Commerce Act falls out of alignment with the above principles. Dignity Health stands in agreement with the key concerns and analysis of Safer Chemicals Healthy Families, BizNGO Working Group for Safer Chemicals and Sustainable Materials (BizNGO) and countless other consumer, environmental, and business groups. To address some of the key issues contained in CICA, Dignity Health seeks a re-drafting of CICA that reflects true reform legislation which:

- Incorporates a clear safety standard
- Adequately identifies and explicitly protects vulnerable populations, including developing babies and infants, pregnant women, and people who are most at risk for toxic chemical exposures and its harmful implications

- Retains the testing authority in TSCA to any chemical
- Strengthens rather weakens EPA's authority to review and restrict new chemicals
- Establishes a clear pathway by which EPA can restrict chemicals of high concern to human health and the environment
- Strengthens the protection against imports of unsafe chemicals and products
- Keeps the existing preemption language in TSCA
- Contains language for low priority chemicals, such that listings are based on comprehensive and adequate data; and strikes the language for state preemption based on low priority listing.

Healthcare institutions have a particular ethical responsibility to use products containing chemicals that pose less risk to human health. Leading industries, including healthcare, also know that a safer chemicals approach benefits the bottom line, which can include reduced disposal costs, reduced liability and improved health for employees and communities. Dignity Health is committed to doing its part to demand for safer alternatives and to move the marketplace to create the kinds of products that we long to buy. But, the good intentions and work of individual companies are simply not enough.

And it is clear that the Chemicals in Commerce Act does not offer a sufficient way forward. More must be done to upgrade the nation's chemical policy so that chemical products stamped "Made in America" truly means confidence that we live in a robust country where human health and the environment are highly valued and intra- and inter-state commerce is vibrant and supported because meaningful chemical regulations are finally in place. One must not be sacrificed for the other.

Dignity Health wholeheartedly encourages the Committee and Subcommittees' thoughtful review of CICA and urge you to advance legislation that balances industry needs and health and safety standards. Thank you for your leadership and serious consideration of our concerns. Dignity Health stands ready to offer our support for comprehensive chemical policy reform.

Very truly yours,



Rachelle R. Wenger
Director, Public Policy & Community Advocacy

cc: The Honorable Members of the U.S. House Committee on Energy and Commerce
The Honorable Members of the Subcommittee on Environment and the Economy of
the U.S. House Committee on Energy and Commerce

The U.S. House Committee on Energy and Commerce and
Its Subcommittee on Environment and the Economy
Re: Chemicals in Commerce Act (CICA) - OPPOSE
Dignity Health
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Susan Vickers, RSM, Dignity Health Vice President of Community Health