



ENVIRONMENTAL  
HEALTH  
STRATEGY CENTER

March 10, 2014

Representative John Shimkus  
Chairman  
Subcommittee on Environment and the Economy  
Committee on Energy and Commerce  
2125 Rayburn House Office Building  
Washington, DC 20515

**Board of Directors**

Representative Paul Tonko  
Ranking Member  
House Energy and Commerce Subcommittee on Environment and the Economy

Dear Chairman Shimkus and Ranking Member Tonko,

The Environmental Health Strategy Center is a national nonprofit organization that promotes human health and safer chemicals in a sustainable economy, headquartered in Maine. For the past decade we have worked with many stakeholders to advance reform of the outdated Toxic Substances Control Act (TSCA). At the same time we have led the passage of several laws in the state of Maine that have had a ripple effect across the country as other states have adopted similar policies to advance public health protections. The Strategy Center also leads a statewide coalition made up of 11 public health organizations representing over 100,000 people including parents, health professionals, health-affected communities, workers, farmers, and small businesses.

To address the failures of TSCA we need reform that achieves real data collection on chemicals to truly determine their safety, that gives real authority to the US EPA to swiftly regulate those chemicals already known to pose serious health risks, and that uses sound science to protect the most vulnerable populations from harmful exposure.

Unfortunately the Chemicals in Commerce Act as drafted, like its Senate counterpart, the Chemical Safety Improvement Act (CSIA), would be disastrous for public health and the environment if enacted. **The many problems we find in the “Chemicals in Commerce Act” include:**

- **Rolling back the weak existing TSCA authority** on new chemicals, chemicals in products, and testing of chemicals; eliminating the few areas where the US EPA has been able to make limited progress using outdated policy tools.
- **Violation of states’ rights to protect their own citizens** by preempting state policies to regulate new or existing chemicals. In an extraordinary overreach, the draft CICA retroactively preempts state actions on chemicals based on past

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actions by the EPA, regardless of how insignificant or ineffective those actions might be.

- **Shielding many chemicals from review indefinitely**, by setting aside potentially thousands of so-called “low priority” chemicals without adequate safety data to justify putting them off limits to further scrutiny
- **Failure to expedite action on the most dangerous chemicals**, by not providing a category of “chemicals of high concern” that would trigger immediate action to protect public health
- **Lack of a health-based safety standard** that ignores consensus among both public health and industry leaders that health risks of chemicals should be considered before applying a “cost-benefit” analysis to chemicals regulation. This backwards “cost-benefit” approach under TSCA led to the US EPA’s failure to act on asbestos.

This draft ignores all major recommendations for chemical safety reform made by health professionals, workers, and advocates for health-affected communities representing people with cancer, autism, asthma, and other health problems linked to toxic chemical exposure.

The Chemicals in Commerce Act as drafted would endanger public health and the environment. The draft should not be formally introduced as a House bill; instead, the Committee should start over completely with a new proposal that truly addresses the widely agreed-upon flaws of TSCA to protect public health from dangerous chemicals.

Sincerely,

Sharon Rosen  
Board Chair  
Environmental Health Strategy Center

CC:

Representative Fred Upton, Chair  
House Energy and Commerce Committee

Representative Henry Waxman,  
Ranking Member  
House Energy and Commerce Committee

Representative Mike Michaud

Representative Chellie Pingree

Members of the House of Representatives