

Environmental Justice & Health Alliance

For Chemical Policy Reform

Alaska Community Action on Toxics • Black Women for Wellness LA • CHANGE Coalition • Clean & Healthy New York • Coming Clean • Concerned Citizens of Wagon Mound & Mora County • Connecticut Coalition for Environmental Justice • Delaware Concerned Residents for Environmental Justice • Farmworkers Association • The Just Transition Alliance • Kentucky Environmental Foundation • Minority Workforce Development Coalition • Mossville Environmental Action Now • The National Racism Free Zone • Native Village of Savonga Youth Group • People Concerned About Chemical Safety • Pesticide Action Network • PODER Austin • PODER-SF • PSR-LA • REACT • Southwest Workers Union • Texas Environmental Justice Advocacy Services • WEACTION for Environmental Justice • West County Toxics Coalition

March 12, 2014

The Honorable Fred Upton, Chair
Committee on Energy and Commerce
U.S. House of Representatives
2183 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Henry Waxman, Ranking Member
Committee on Energy and Commerce
U.S. House of Representatives
2204 Rayburn House Office Building
Washington, D.C. 20515

The Honorable John Shimkus, Chair
Subcommittee on Environment and the Economy
Committee on Energy and Commerce
U.S. House of Representatives
2452 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Paul Tonko, Ranking Member
Subcommittee on Environment and the Economy
Committee on Energy and Commerce
U.S. House of Representatives
2463 Rayburn House Office Building
Washington, D.C. 20515

RE: TSCA Reform Must Protect the Most Impacted Communities

Dear Representative Upton, Representative Waxman, Representative Shimkus, and Representative Tonko:

Our communities live at the fenceline of polluting industries, storage facilities, and other operations that routinely release harmful chemicals into our air, water, and soil. We are also disproportionately exposed to toxic and untested chemicals released from everyday consumer products in our homes, schools, and workplaces that federal laws – especially the Toxic Substances Control Act of 1976 (TSCA) – have failed to address.

We agree with Chairman Shimkus that TSCA “is not doing its job” and must be updated.¹ However, replacing one failed law with a different but equally flawed system serves no one except the chemical industry that continues to seek any means to avoid regulations that truly protect human health and the environment and ensure safer chemicals.

The communities most harmed by toxic chemicals have worked together for more than seven years, along with diverse allies from across the political and economic spectrum, to support reform of TSCA that will protect all people from the acute and chronic dangers of toxic chemicals. We are extremely disappointed by the draft Chemicals in Commerce Act.

To be credible and meaningful, any proposal to update TSCA must:

- **Ensure Environmental Justice** by reducing the disproportionate burden of toxic chemical exposure placed on people of color, low-income people and indigenous communities;
- **Protect the Most Vulnerable** by assessing chemical safety against a health standard that explicitly requires protection of the most vulnerable populations, including communities already disproportionately impacted by chemical exposures;
- **Support effective diagnosis and treatment of chemical exposures** by ensuring that medical professionals can readily identify chemicals suspected of causing illness in their patients, access health and safety information, and raise community awareness about health impacts linked to chemical exposures without the threat of fines or prosecution for simply following their professional codes of ethics; and
- **Address the Key Failures of TSCA** by adopting policy provisions that truly protect health and the environment, as specified in the attached platform for reform endorsed by over 450 community, medical, health, worker, and other organizations.

Unfortunately, the draft Chemicals in Commerce Act does not address these critical needs. The draft is a failed and partisan proposal, developed in isolation from environmental justice, health, community, and

¹ “House Panel to Unveil TSCA Reform Bill With Goal of March Markup, Chairman Says,” Bloomberg BNA, February 10, 2014.

worker leaders, which would simply install a new but equally crippled federal chemical safety system under the guise of reform.

We must oppose the draft Act, and any other proposals to reform TSCA, that do not provide meaningful protection for the health and welfare of our communities.

We hope that you and your colleagues will swiftly reject the draft Chemicals in Commerce Act and instead engage in an open process involving affected communities and constituencies to advance TSCA reform based on broadly accepted public health and environmental justice principles.

Sincerely,

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