

June 12, 2013

Senator Barbara Boxer
Chairman
Environment & Public Works Committee
410 Dirksen Senate Office Building
Washington, D.C. 20510

Senator David Vitter
Ranking Member
Environment & Public Works Committee
456 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Boxer and Ranking Member Vitter:

We the 24 undersigned environmental and occupational health, environmental justice, and public interest organizations have worked for decades to reform the Toxic Substance Control Act and protect the public from the hazards of chemical exposure.

We respect and appreciate the current effort to identify areas of bipartisan compromise and consensus on chemical safety legislation. However, we believe that the resulting Chemical Safety Improvement Act, S. 1009, has serious limitations and would fall far short of our shared goal of safeguarding human health from the risks posed by exposure to toxic chemicals. As a result, we will oppose this bill as it is currently written unless it is amended to address our key concerns.

The proposed CSIA would fail to provide a policy framework essential to securing much-needed health protections that have been lacking for nearly 40 years under current law. The compromise measure, if passed in its current form, could undermine a number of state protections, including California's Proposition 65 law, without ensuring any real improvement in federal toxic substances controls. CSIA could have a crippling effect on every state's freedom to regulate toxic chemicals and protect its own residents. Many of our organizations have fought for and helped enact state laws restricting the use of hazardous chemicals in consumer products. Most other major federal environmental laws allow states to take more aggressive action to protect citizens from environmental threats. CSIA, in contrast, may actually preempt state laws requiring warning labels on toxic products. Furthermore, the bill may also prevent private citizens from taking action in state or federal court for harm and injury caused by chemical exposure.

We are also troubled by the fact that CSIA would not explicitly protect pregnant women and children. It would not require EPA to consider the cumulative burden of chemical pollution for residents of highly polluted communities and for workers, which is essential for Americans living and working in or near contaminated industrial and military sites; including many in Louisiana, New Jersey, Indiana, Alaska, and California.

In addition, the CSIA would not require that chemicals be shown to be safe before manufacturing begins. EPA would still face the daunting challenge of rapidly assessing thousands of industry submissions on new chemicals, the majority of them containing absolutely no health and safety data. Moreover, the agency would be required to justify any requests for safety testing and would be allowed to grant chemical companies permission to begin production before it completes its safety determination. This practice of "conditional registration" has been widespread in EPA's

pesticides program, which has allowed thousands of pesticides to sidestep important aspects of the traditional approval process.

The proposed bill would do no better at setting up a system to protect the public from the hazards of the 84,000 chemicals already on the market. Overall, it would set a high bar for EPA to enact any restrictions on chemicals, and the burden would remain on the agency to prove that chemicals are harmful, rather than requiring manufacturers to prove they are safe.

CSIA would retain TSCA's current weak safety standard instead of the more protective standard previously proposed by Sen. Lautenberg in his Safe Chemicals Act. Furthermore, it would set no clear timelines to ensure that EPA assesses hazardous chemicals in a timely manner, and it would not establish a quick timeframe for action on chemicals known to be hazardous to human health, including persistent, bioaccumulative toxins.

Finally, the bill would offer too many secrecy protections for chemical companies and may limit the ability of doctors, nurses, first responders and public health departments to obtain vital information about a particular substance to identify and treat people who have been injured by these so-called "secret chemicals."

For these and other reasons the Chemical Safety Improvement Act is not acceptable in its current form. We look forward to working with you to pass legislation that makes public health a priority.

Sincerely,

Pamela K. Miller
Executive Director
Alaska Community Action on Toxics

Robyn O'Brien
Founder
AllergyKids Foundation

Linda Reinstein
President
Asbestos Disease Awareness Organization

Jay Feldman
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Annie Sartor
Policy and Campaigns Coordinator
Breast Cancer Action

Jeanne Rizzo
President
Breast Cancer Fund

Catherine A. Porter
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California Healthy Nail Salon Collaborative

Sean Moulton
Director, Open Government Policy
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Lois Gibbs
Executive Director
Center for Health, Environment & Justice

Barbara Warren
Executive Director
Citizens' Environmental Coalition

Davis Baltz
Precautionary Principle Project Director
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Judy Braiman
President
Empire State Consumer Project

Ken Cook
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