March 11, 2014

Representative John Shimkus, Chair
House Energy and Commerce
Subcommittee on Environment and
the Economy
2452 Rayburn House Office Building
Washington, DC 20515

Representative Paul Tonko, Ranking
Member
House Energy and Commerce
Subcommittee on Environment and
the Economy
2463 Rayburn House Office Building
Washington, D.C. 20515

Representative Fred Upton, Chair
House Energy and Commerce
Committee
2183 Rayburn House Office Building
Washington, D.C. 20515

Representative Henry Waxman,
Ranking Member
House Energy and Commerce
Committee
2204 Rayburn House Office Building
Washington, DC 20515

Regarding the Chemicals in Commerce Act Discussion Draft

Dear Honorable Members of Congress:

We are writing to voice our deep concern for this draft introduced by Representative Shimkus on February 27. As nurses, we are aware of the urgent need for reformation of the Toxic Substances Control Act of 1976. Unfortunately, this bill takes several key steps backward and would weaken what little authority the US Environmental Protection Agency currently possesses to protect human health and the environment from chemical hazards. We need our elected officials to place the health of Americans front and center and draft meaningful reform that will address the growing public health concerns related to chemical exposures.

Over the past 60 years we have seen the burgeoning incidence of diseases with environmental origins. We have seen the rates of asthma in the United States more than double in the past 50 years and now 1 in 12 Americans has asthma. Many emergency departments now have special rooms dedicated to the treatment of asthma. Besides the physical and emotional toll asthma can take on patients and families, it can be a significant factor in days lost from school and work, making it more difficult for these children to excel, which puts them at a disadvantage for the rest of their lives, and decreases productivity in the workplace.

We have seen the rates of many types of cancers increase in the past two decades, such as kidney, liver, and Non-Hodgkin's lymphoma in adults and leukemia and brain cancer in children. We are also seeing disturbing trends in learning and developmental disabilities. 1 in 88 children in the US has been diagnosed with an autism spectrum disorder and nearly 10% of all children have been diagnosed with attention deficit hyperactivity disorder (ADHD). Fetal and early childhood

exposures to neurotoxic chemicals are increasingly being implicated as an important contributor to this trend.

Public health is going in the wrong direction. Nurses recognize the key to public health is prevention, but without regulations in place to protect Americans from environmental exposures to chemicals we will continue to slide backward. The number one cause of bankruptcy is now due to the catastrophic costs of healthcare. Many of the diseases that are so costly to treat, such as asthma, obesity, diabetes, and cancer have environmental origins and can have lifelong consequences. For far too long the chemical industry has been allowed to externalize these health care costs onto the American people. We need real TSCA reform that will curb American's exposure to toxic chemicals, and this bill fails to do that.

We are also concerned that this draft would preempt state laws that have provided critical protections. Nurses have been active in states around the country, helping to pass state chemical policies that would protect the most vulnerable among us, such as pregnant women, infants, and children. We oppose federal regulations that would take away this important public health tool.

Recently, we have seen retailers and manufacturers taking the lead in evaluating and removing toxic chemicals from their products, in the face of federal inaction to protect public health:

- Manufacturers, such as Johnson & Johnson and Proctor and Gamble, are removing toxic chemicals from their products
- Retailers, such as Walmart and Target, are developing their own chemical standards
- Healthcare institutions, such as Kaiser Permanente, have developed scorecards and policies to make purchasing decisions that will avoid chemicals of concern

This bill shows an apparent tone-deafness to the increasing consumer and public demand for safer products and the pressure retailers and manufacturers are feeling to show that their products are safe for consumers to bring into their homes and that the chemicals won't make their families sick.

We are also very concerned about the inclusion of a health care provider "gag rule" within this draft. This gag rule would require nurses and physicians, in order to find out the composition of a chemical hazard necessary for the care and treatment of their patient, to sign a contract swearing not to disclose this information to anyone – not even the patient or other providers. This flies in the face of everything we are taught about quality care and the provider-patient relationship. This gag rule would also prevent nurses and physicians from sounding the alarm when toxic chemicals harm patients.

Nurses are committed to protecting the public health and preventing disease. An essential component to improving the health of all Americans is true chemical policy reform that will protect the most vulnerable among us – pregnant women, children, infants, workers, and communities disproportionately impacted by toxic chemicals. This draft does not provide these essential protections and we ask that the Energy and Commerce Committee go back to the drawing board and craft legislation that will truly put public health first.

Sincerely,

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