March 11, 2014

The Honorable John Shimkus
Chairman
Environment and the Economy Subcommittee
House Energy and Commerce Committee
2151 Rayburn House Office Building
Washington, DC 20515

The Honorable Paul Tonko
Ranking Member
Environment and the Economy Subcommittee
House Energy and Commerce Committee
2322A Rayburn House Office Building
Washington, DC 20515

Dear Chairman Shimkus and Ranking Member Tonko,

On behalf of Health Care Without Harm, I am writing in strong opposition to the Chemicals in Commerce Act (CICA) discussion draft. Health Care Without Harm is an international collaborative of more than 500 hospitals and health care systems, medical professionals, community groups, health-affected constituencies, labor unions, environmental and environmental health organizations, and religious groups, working in 53 countries. We have long supported an overhaul of the woefully-inadequate Toxic Substances Control Act (TSCA). Similar to the flaws in the Chemical Safety Improvement Act (CSIA) in the U.S. Senate, the CICA would do nothing to fix the problems under current law that keep the U.S. EPA from being able to effectively regulate chemicals.

Introduction of the CICA comes in the context of mounting scientific evidence linking chemical exposures to widespread diseases and conditions, including cancers, learning and developmental disabilities, birth defects, and asthma. These diseases are increasing in the general population and place a significant and costly burden on the nation and on the health care sector. Yet, the CICA—like the CSIA—would further hinder U.S. EPA from obtaining necessary health and safety information for chemicals, assessing their toxicity, and taking action to protect public health and the environment, while simultaneously preempting health-protective measures in the states.

Specifically, the CICA:

- **Fails to protect the most vulnerable populations.** Vulnerable populations, including developing babies and infants, pregnant women, and people who live in communities with significant existing chemical and non-chemical environmental exposures, must be protected. Evidence clearly shows that these groups are not only disproportionately exposed but they are also more biologically susceptible to the impacts of toxic chemicals, and those impacts can be long-lasting and costly.

- **Retains TSCA's failed safety standard.** Like TSCA, the CICA requires U.S. EPA to show that a chemical is likely to pose an "unreasonable risk" of harm to human health or the environment before acting—a standard that prevented the agency from regulating asbestos in the 1990s.

- **Leaves even the worst chemicals on the market.** Even if U.S. EPA is able to meet the incredibly high hurdle of a safety standard, the agency has to meet a series of requirements that would make it virtually impossible to restrict the use of even the most harmful chemicals. U.S. EPA will only want to pursue

this option for the very worst chemicals, yet the cumbersome requirements could have the perverse impact of slowing down action on those chemicals most in need of regulation.

- **Shields chemicals from adequate review.** A thorough review of all chemicals for safety is necessary to ensure that the chemicals used in commerce will be safe. Under the CICA, U.S. EPA must waste its resources designating low-priority chemicals and may do so on the basis of inadequate information. Such designations effectively shield chemicals from further review by the agency or any state, potentially forever.

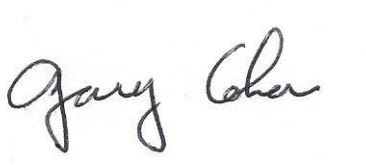
- **Rolls back existing state oversight and regulation of toxic chemicals, in addition to preempting future action.** In the absence of federal action, states have been adopting policies to protect the public from chemicals of concern, which has led to important protections for the general public. The CICA preempts state action taken prior to its passage, which would undo some of the strongest public health protections against harmful chemicals. States also would be prohibited from taking action on low-priority chemicals. This would eliminate an important safety net for when the federal government fails to act.

- **Undermines the public's right to know.** Worse than even TSCA, the CICA contains broad protections for information claimed as confidential, including chemical identity. It also would effectively grandfather all information claimed confidential without substantiation during the 35 years of implementing TSCA.

While many health care institutions invest significant time and resources to identify products free from chemicals that are harmful to human health or the environment, the current level of investment is not sustainable, nor is it feasible for most institutions.

More broadly, our nation's health care system, communities, and families cannot sustain the current costs of treating disease. While it is difficult to quantify how much money would be saved by updating TSCA, there is considerable agreement in the health care sector that significant reductions in chemical exposures would lead to decreased rates of chronic disease and lowered health care costs.

We join the chorus of voices from the health sector urging the Energy and Commerce Committee to propose meaningful TSCA reform that would enable the U.S. EPA to protect public health and the environment.



Gary Cohen
President

Cc: Rep. Fred Upton, Chair, House Energy and Commerce Committee
Rep. Henry Waxman, Ranking Member, House Energy and Commerce Committee