March 14, 2014

The Honorable John Shimkus
Chair
House Energy and Commerce Subcommittee on Environment and the Economy
U.S. House of Representatives
Washington, DC 20510

The Honorable Paul Tonko
Ranking Member
House Energy and Commerce Subcommittee on Environment and the Economy
U.S. House of Representatives
Washington, DC 20510

The Honorable Fred Upton
Chair
House Energy and Commerce Committee
U.S. House of Representatives
Washington, DC 20510

The Honorable Henry Waxman
Ranking Member
House Energy and Commerce Committee
U.S. House of Representatives
Washington, DC 20510

Dear Mr. Shimkus, Mr. Upton, Mr. Tonko and Mr. Waxman,

The Arc is the largest national community-based organization advocating for and serving people with intellectual and developmental disabilities and their families. We encompass all ages and all spectrums of developmental disability, and we appreciate this opportunity to comment on the discussion draft of the "Chemicals in Commerce Act" recently introduced in Congress.

Many of the disabilities that affect the people we serve are associated with exposure to harmful chemicals like those discussed in the bill. Unfortunately, this bill fails to protect the public against these toxic chemicals. This is particularly alarming for those most vulnerable to the effects of these chemicals-developing fetuses and children.

The mission of the Environmental Protection Agency (EPA) is to protect human health and the environment. It is imperative that we enact laws that allow the EPA to fulfill this mission and protect the health of our citizens who are most vulnerable to toxic exposures. This means giving the EPA the means and authority to identify chemicals that are toxic and restrict their use in consumer products and industrial processes. This bill would not do this. In fact, in many cases, it further hinders the EPA's ability to carry out its mission.

The bill rejects the finding of top scientists and pediatricians that certain chemicals in everyday products are harming children's developing brains and contributing to learning and developmental disabilities, including autism and ADHD; and that hundreds more chemicals are suspect and should be tested for effects on brain development.

This bill leaves the EPA unable to restrict the worst chemicals. Even if EPA determines that a chemical fails to meet the "unreasonable risk of harm" standard, the Administrator would have to meet a series

of requirements that would make it virtually impossible to restrict the use of even the most harmful chemicals. EPA would have to show that restrictions on a dangerous chemical are "proportionate to the risks", would "result in net benefits" and are "cost-effective compared to other requirements or restrictions." Further, EPA could restrict the use of a chemical found to harm human health only when there are technically and economically feasible alternatives available.

The "safety standards" set forth in the bill are not solely based on health effects, such as being carcinogenic or neurotoxic, but require the EPA to consider the chemicals economic costs and benefits. As in the Toxic Substances Control Act, EPA would have to find that a chemical is likely to pose an "unreasonable risk of harm" to human health. According to a 2011 study conducted at the Mount Sinai School of Medicine, health expenses for illness and disability resulting from toxic chemical exposures cost America more than $75 billion every year. These costs are particularly striking for autism ($7.9 billion) and intellectual disability ($5.4 billion). This bill fails to consider these costs, and considers only the costs incurred by chemical companies.

The bill pre-empts state health and chemical safety laws that the public depends on to protect them from harmful exposure, and give them access to information critical for making informed decisions about the products they expose their families to.

The bill fails to ensure protection for vulnerable populations, such as pregnant women and children. According to the American Academy of Pediatrics, pregnant women's exposures to harmful chemicals can cross the placenta and result in higher fetal exposures. Scientists have discovered that there are critical "windows" of vulnerability during pregnancy when even tiny doses of toxic chemicals can cause lasting harm to a baby's developing brain.

Nobody can fully avoid exposure to these chemicals without the oversight and protection that the EPA is meant to provide. The EPA is in place to protect the public from exposure to chemicals that are dangerous and can severely diminish their quality of life. This bill circumvents this agency's already limited authority, and leaves our communities and families to fight this battle alone. The Arc urges the House Committee to draft a new chemical safety law, based on scientific and medical recommendations, which would require chemicals to be found safe for our children's developing minds and bodies, and consumers to be notified of the risks involved with exposure.

Thank you,



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