



Office of the President
8403 Colesville Rd. Suite 820
Silver Spring, MD 20910

April 1, 2014

Representative John Shimkus, Chair
U.S. House Subcommittee on
Environment and Economy,
House Energy and Commerce Committee

Representative Paul Tonko, Ranking Member
U.S. House Subcommittee on
Environment and Economy,
House Energy and Commerce Committee

Representative Fred Upton, Chair
House Energy and Commerce Committee

Representative Henry Waxman, Ranking Member
House Energy and Commerce Committee

Dear Chairman Shimkus and Ranking Member Tonko,

I am writing this letter as the 114th President of the National Medical Association (NMA) asking that the discussion draft of the Chemicals in Commerce Act (CICA) be scrapped and replaced with reform of the Toxic Substances Control Act (TSCA) that protects vulnerable populations and communities and protects public health. The NMA is opposed to this draft legislation because it is less protective of health than the current ineffective law.

The National Medical Association is the oldest and largest organization of African-American physicians representing over 30,000 physicians and their patients. We are dedicated to reducing health disparities and improving health in communities of color. We are also a member of the Safer Chemicals, Healthy Families Campaign.

Communities of color are disproportionately affected by chemical exposure and, therefore, suffer the health consequences more intently. Our communities are more likely to live closest to industrial production facilities, live near transportation routes for dangerous chemicals, use products containing toxic chemicals, live near landfills and waste incinerators where toxic products are disposed, and live among properties contaminated with toxic wastes left from previous industrial use. Our communities; therefore, suffer from higher rates of asthma, cancer, low birth weight, kidney diseases, autoimmune diseases, diabetes, and obesity that are associated with exposure to toxic chemicals. That is why we have been very concerned about the need to reform our outdated federal chemical policy.

The “Chemicals in Commerce Act” discussion draft has the following flaws:

- **It Further Threatens Public Health.** We believe that the increasing incidence of many diseases that we see in our patients result from exposure to untested toxic chemicals. Any chemical safety standard should be based solely on health risks, rather than cost considerations, such as costs of alternatives and cost of chemical management. This proposed bill’s safety standard would place a heavy burden on EPA

to find that a chemical is unsafe, rather than shifting the burden to chemical companies to show that the chemicals they manufacture are safe, and even adding a new hurdle to EPA action.

- **Does Not Protect Vulnerable Populations.** The definition of “potentially exposed subpopulations” is inadequate to protect vulnerable populations. The safety standard does not require protection of currently overexposed or other vulnerable populations and communities; nor does it consider these populations in prioritization of chemicals to be considered for safety assessment.
- **Next to Impossible to Phase Out or Ban Harmful Chemicals.** The “Chemicals in Commerce Act” would make it impossible for the Environmental Protection Agency to ban or phase out the worst of the worst toxic chemicals on the market. EPA would still not be able to ban or restrict asbestos under the proposed law, and would be even more unlikely to restrict existing chemicals than it is now.
- **Lack of Deadlines to Ensure Safety.** The discussion draft provides no deadlines or minimum requirements for identifying high-priority chemicals warranting action and no schedule for assessing and regulating such chemicals. When EPA does take action, the CICA blocks it from limiting releases of chemicals into the environment, a further rollback of existing law.
- **Unworkable Standard of Court Review.** The CICA would retain the unworkable standard of court review found in TSCA, which ultimately prevented EPA from being able to ban asbestos in 1989 without reforming or redefining it.
- **Invalidate State Efforts to Protect People from Chemicals.** The CICA would also roll-back protections that states have enacted to protect their residents by blocking states from enforcing existing laws or passing new ones to increase protections against harmful chemicals, including state information collection, reporting and warning requirements.

Although we realize that the “Chemicals in Commerce Act” is still a discussion draft for updating the Toxic Substances Control Act, the National Medical Association cannot support it as it is. We welcome the opportunity to help strengthen TSCA to make it truly protective of health. We plan to continue to stay engaged on this important matter and would be happy to answer any questions you may have.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael A. Lenoir". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael A. Lenoir, M.D.
114th President