



1745 N Street NW, 4th Floor, Washington, DC 20036

April 5, 2010

The Honorable Bobby Rush
Chair, Energy and Commerce Subcommittee on Commerce, Trade, and Consumer Protection
United States House of Representatives
Washington, DC

Re: **Safer Chemical Policy Reform**

Dear Chairman Rush,

Thank you for your strong leadership in building the foundation for comprehensive policy reform to fix our broken chemical regulatory system. We appreciate the opportunity to work closely with you to modernize the Toxic Substances Control Act (TSCA) of 1976 so that it specifically addresses the impact of toxic and legacy chemicals on communities-of-color and low income communities.

We, the undersigned, join our voices to call attention to the particular burdens related to toxic chemical exposure that is borne by communities-of-color and low income communities. Because these communities across the United States have had both public health and environmental degradation as a result of the disproportionate impacts of a wide array of chemical exposures.

Communities-of-color, Indigenous peoples, and low-income communities are not only exposed to current chemicals through consumer products, industrial polluters, and chemical plants in their neighborhoods, but they are also most frequently afflicted by legacy chemicals from prior industrial land uses, which now lay fallow and abandoned, ushering forth an eerily toxic harvest of waste sites that poison all in these neighborhoods, especially the most vulnerable populations like children. From Alaska to the Gulf Coast, in urban centers like Chicago, New York, Hartford, San Diego and Austin, or to the rural farm country of North Carolina; from the Anishinabe tribe in the Great Lakes to the Penobscot nation in Maine and for countless other communities-of-color, Indigenous peoples across this nation – chemical contamination is real and far too common.

What does this real contamination and disproportionate exposure look like on the ground in these communities?

- **The Arctic:** Indigenous peoples reliant on traditional diets of fish and marine mammals are among the most highly exposed to persistent, bioaccumulative and toxic chemicals (PBTs) on earth. A study of the Yupik people of St. Lawrence Island in Alaska found that they carry PCBs in their blood at levels that are 6-9 times higher than the general population in the lower-48 states. In addition to the high levels of such “legacy” chemicals such as polychlorinated biphenyls (PCBs) that have been banned in the U.S. for more than 30 years, levels of currently used chemicals such as perfluorinated compounds (PFCs) and polybrominated diphenyl ethers (PBDEs) are rapidly rising, posing additional health hazards to northern peoples.
- **Gulf Coast:** Residents, after being ravaged by the hurricanes Katrina and Rita, were further assaulted by cancer causing formaldehyde inside the trailer homes that were provided by the Federal Emergency Management Authority (FEMA).
- **New Bedford, MA and other urban centers:** One of the most common chemicals found in toxic waste sites that are located in urban residential neighborhoods is trichloroethylene (TCE), which is likely to cause cancer, liver and kidney disease as well as autoimmune diseases. TCE can be inhaled after vaporizing on playgrounds or leaching into people’s basements and drinking water.
- **Detroit, Chicago, New York City, Austin, Hartford, San Diego, Baltimore, etc:** In urban centers in the United States, 99 cent stores abound, and they sell many more lead laden toys and jewelry containing cadmium, a known carcinogen that causes kidney and immune system damage than at other stores.
- **Northern Minnesota:** The Anishinabe/Ojibwe have practiced their land-based culture for hundreds of years, the rivers where they fish are polluted with dioxin and mercury, and their diets are now at risk because they are unable to harvest uncontaminated wild rice or catch unpolluted fish or and other aquatic traditional foods.
- **Nationwide:** Bodegas in many urban centers stock baby bottles and canned foods manufactured or lined with Bisphenol A (BPA) are easily accessible because of the cost and proximity. BPA has been associated with obesity, cancer, and many other health conditions. Canned foods are a major source of nutrition and often the only source of vegetables in low-income neighborhoods.

The vignettes above are by no means exhaustive of the many stories that communities-of-color, Indigenous peoples have to share on the subject of chemical contamination. In fact, we could and have filled books with many more stories such as *Dumping In Dixie* or *Noxious New York* by Robert Bullard and Julie Sze respectively. While the stories do not cover every community-of-color that is impacted, they nevertheless highlight that the pathways to exposure cover all environmental media (land, air and water) and that toxic chemicals are in the bodies and food of residents in these disproportionately impacted neighborhoods.

Because of the multiplicity of toxic chemical exposures from both current and legacy sources borne by these communities, the health profile of residents who live in them reveal the many health disparities that they confront. Exposures to PBTs, such as lead and cadmium or chemicals like TCE, hexavalent chromium, organic solvents, formaldehyde and asbestos in communities-of-color, Indigenous peoples are linked to higher levels of cancer, diabetes, asthma, heart disease and several other types of morbidity.

The groups signed on to this letter recognize that communities-of-color and low income communities bear a disproportionate burden of toxic chemical exposures and related negative health outcomes. We have joined our voices to call for reform of TSCA, and we urge you to take immediate action on the worst chemicals in TSCA reform legislation because of their impact on all people, but especially our most vulnerable.

In addition to taking immediate action on chemicals most commonly affecting our communities, we also urge you to give the Environmental Protection Agency (EPA) the authority to create and implement action plans to relieve this burden from communities such as these that are highly impacted by toxic chemicals.

In short, we urge you to introduce the *strongest* possible TSCA reform bill, one that sets a *high bar* for protection of public health. We will be there in force to help you pass a strong bill. We believe that TSCA reform legislation should embody three key policy elements to advance environmental justice:

1. Ensure Environmental Justice

Effective reform should contribute substantially to reducing the disproportionate burden of toxic chemical exposure placed on low-income people, people of color and indigenous communities.

2. Immediately Act on the Worst Chemicals First and Promote Safer Alternatives

Persistent, bioaccumulative and toxic chemicals (PBTs) are uniquely dangerous and should be phased out of commerce except for critical uses that lack viable alternatives. Exposure to other toxic chemicals, like formaldehyde, that have already been extensively studied should be reduced to the maximum extent feasible. Our communities cannot wait on yet another study on these proven poisons. Green chemistry research should be expanded, and safer chemicals favored over those with known health hazards.

3. Protect All People, and Vulnerable Groups, Using the Best Science

All chemicals should be assessed against a health standard that protects all people and the environment, especially the most vulnerable subpopulations, including children, workers, and pregnant women. EPA should adopt the recommendations of the National Academy of Sciences for reforming risk assessment. Biomonitoring by the Centers for Disease Control and Prevention should be significantly expanded and used by EPA to assess pollution in people.

Again, we stand ready to join you in a broad-based national campaign to support strong TSCA reform legislation. The public and many businesses are with us on the need for federal action. Our success will mean safer chemicals and healthy families in a green and vibrant economy.

Thank you for your continued leadership in protecting the health of all Americans.

Sincerely,

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