



February 23, 2010

Honorable Bobby L. Rush, Chairman  
Subcommittee on Commerce, Trade and Consumer Protection  
Committee on Energy and Commerce, U.S. House of Representatives  
2125 Rayburn House Office Building, Washington, D.C. 20515

CC: Chairman Henry Waxman  
Chairman Frank Lautenberg  
Senator James Inhofe  
Chairwoman Barbara Boxer  
Administrator Lisa Jackson

Dear Chairman Rush, Ranking Member Whitfield and Members of the Subcommittee,

Thank you for scheduling the February 11th hearing, *"Examining Domestic and International Actions on Persistent, Bioaccumulative, and Toxic Chemicals (PBTs)"* which was cancelled due to the snowstorm. We are writing to share our concerns about PBTs as members of the Safer Chemicals, Healthy Families coalition and allied organizations, who represent millions of parents, consumers, health advocates, and communities from around the country ([www.saferchemicals.org](http://www.saferchemicals.org)).

Urgent attention is needed to address the class of chemicals known as Persistent, Bioaccumulative, and Toxic Chemicals, or PBTs. This class includes many of the most notorious chemicals ever studied – chemicals such as dioxins, mercury, lead, cadmium and polychlorinated biphenyls (PCBs), the dangers of which we have known for some time, as well as relative newcomers such as polybrominated diphenyl ethers (PBDEs) widely used as flame retardants and a variety of perfluorinated chemicals (PFCs) used to impart stain or moisture resistance to textiles and paper packaging or to produce nonstick cookware.

PBTs are uniquely dangerous because they pose a triple threat. They persist in the environment for long periods of time and can be transported long distances; they accumulate in living organisms and increase in concentration as they move up the food chain; and, they are highly toxic, often at very low levels of exposure.

Because they exhibit all three of these hazardous properties, PBTs are inherently unsafe. And because releases of even small amounts of PBTs will eventually lead them to build up to very high levels and in locations often far removed from their point of use or release, traditional risk assessment methods cannot be used to effectively support regulatory action on PBTs. Because risk assessments require a quantification of exposure levels, they cannot adequately evaluate the harm posed by PBTs, the levels of which will continue to rise in people or other organisms, even after the contaminant ceases being released into the environment.

Moreover, requiring such chemicals to undergo expensive and time-consuming risk assessments would only delay taking needed action on a class of chemicals for which there is already broad scientific agreement regarding the serious threat they pose to human health and the environment.

As you consider policy options for modernizing the Toxic Substances Control Act (TSCA), we urge you to support immediate action to address these most dangerous of chemicals to which people are being exposed. PBTs should be phased out of commerce on an expeditious but reasonable timeline, with exceptions allowed only for critical uses that lack viable alternatives. In addition, new PBTs should not be approved for use in commerce under a reformed TSCA.

We have experienced first hand in our communities the devastating impacts PBTs can have on wildlife and people. For example:

- In the Northwest, Puget Sound's declining orca whales have become one of the most contaminated populations of marine mammals in the world, in part because of PCBs found in the Puget Sound food chain. PCBs are known endocrine disruptors and probable carcinogens that become highly concentrated in the fatty tissues of top predators. PCBs are the only chemical banned under the original TSCA, yet more than 30 years later they continue to pollute the environment.
- In the Great Lakes, the levels of PBDEs in walleye and lake trout rose exponentially from 1980 to 2000, doubling every 3-4 years. Similarly, PBDEs in Great Lakes region herring gull eggs increased 60-fold between 1981 and 2000.
- In Maine, which is downwind from all the other states, common loons have the highest levels of mercury in the country and the eggs of peregrine falcons have among the highest levels of the decaBDE flame retardant ever recorded.

A growing body of scientific evidence links PBT chemicals to a wide range of serious human health problems, including early onset of puberty, infertility, endocrine disruption, learning disabilities, behavioral disorders and certain cancers. And scientists are now finding evidence that these chemicals contaminate people at levels that are cause for great concern. For example:

- A 2009 study of 302 women residing in North Carolina found that all women had PBDEs contaminating their breast milk. The highest levels were found in women ages 25-29, in the prime of their child-bearing years. PBDEs can have negative impacts on behavior, brain development and reproduction.
- The Arctic is a hemispheric sink for PBTs, which are transported long distances via atmospheric and oceanic currents. Arctic Indigenous peoples reliant on traditional diets of fish and marine mammals are among the most highly exposed people 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.

- The Environmental Protection Agency (EPA) estimates that more than 300,000 newborns each year may have increased risk of learning disabilities associated with in utero exposure to methylmercury. EPA scientists indicate that research has found no safe level of mercury exposure.

Most disturbing is that we now know people are being exposed to many of these PBT chemicals as a result of their use in everyday consumer products such as:

- PBDEs and other brominated flame retardants are found in furniture, electronics, and textiles.
- PFCs are widely used in food packaging, clothing and other textiles and cookware.

Governments at all levels are already taking action to phase out the use of these particularly dangerous chemicals. Congress should follow their lead. For example:

- Under the Great Lakes Water Quality Agreement of 1978 and subsequent Great Lakes BiNational Toxics Strategy, the U.S. and Canada pledged to seek the virtual elimination of the discharge of persistent toxic substances to the Great Lakes.
- 32 states have passed mercury products legislation to rid the marketplace of mercury-containing items.
- 14 states have passed legislation to eliminate lead in certain products.
- 12 states have adopted laws to replace PBDEs with safer alternatives.
- Washington State is implementing a comprehensive plan and regulations to target PBTs for reduction and phase out.
- Internationally, the Stockholm Convention on Persistent Organic Pollutants (POPs) and the Protocol on Persistent Organic Pollutants to the Convention on Long-Range Transboundary Air Pollution (LRTAP) have targeted numerous PBTs for global phase-outs.

Companies that make or use PBTs are also acting to reduce or eliminate them:

- Based on the toxicity of perfluorooctanoic acid (PFOA) and related chemicals, and growing evidence they are accumulating in the blood of the U.S. population, EPA negotiated an agreement with DuPont and other producers of these chemicals to phase out their use by 2015.
- SC Johnson has adopted a company policy under which it prohibits use of PBTs in its products.
- Consumer electronics companies such as Apple and Sony Ericsson are on track to eliminate all halogenated substances, including PVC and all brominated and chlorinated flame retardants, from their products.

We cannot wait for continued delay and endless study while these chemicals continue to build up in people and the environment. We urge you to follow the lead of the many U.S. states, nations and companies that are meeting the challenge of eliminating all but essential uses of PBTs.

Thank you for your attention to this important issue. We look forward to working with you toward meaningful TSCA reform that better protects our health and environment.

Sincerely,

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