



March 17, 2015

The Honorable James Inhofe
Chairman, U.S. Senate Committee on
Environment & Public Works
205 Russell Senate Office Building
Washington, DC 20510

The Honorable Barbara Boxer
Ranking Member, U.S. Senate Committee
on Environment & Public Works
112 Hart Senate Office Building
Washington, DC 20510

The Honorable Tom Udall
531 Hart Senate Office Building
Washington, DC 20510

The Honorable David Vitter
516 Hart Senate Office Building
Washington, DC 20510

Dear Chairman Inhofe, Ranking Member Boxer, Senator Udall, and Senator Vitter,

On behalf of the signing health care organizations, we are writing to express our serious concerns about the Frank R. Lautenberg Chemical Safety for the 21st Century Act (S. 697), which was introduced to reform the Toxic Substances Control Act (TSCA). In its current form, the legislation has serious flaws that undermine protection of human health and the environment and could result in more harm than good if enacted. All of these flaws, however, could readily be addressed by making a limited number of changes.

While the evidence linking chemical exposures to negative health outcomes continues to rise, including increases in disease and conditions such as cancers, birth defects, asthma, and infertility, the federal law created to protect the public from hazardous chemicals has not been updated for thirty-nine years. As a result, products and their manufacture and disposal can release hazardous chemicals with the potential to harm human health and the environment. Exposure to these chemicals results in a disease burden that can significantly increase health care costs.

Moreover, patients and workers in the health care setting are exposed every day to a wide range of chemicals, including cleaners and disinfectants, phthalates in medical devices, flame retardants and formaldehyde in furniture, and solvents and formaldehyde in labs, among many others. These products also have life cycle impacts, affecting the workers who manufacture them and the communities that host manufacturing or disposal facilities.

While we acknowledge the work that has gone into developing this new legislation, we are deeply concerned about the following flaws in its current form:

- Preemption of new state actions on toxic chemicals years before the U.S. Environmental Protection Agency (EPA) has taken any steps to protect people from these substances. The appropriate time to preempt state action is at the effective date of EPA action on a chemical.
- No ability for the public to sue EPA if the agency designates a potentially harmful chemical as a “low priority,” which it can do under the legislation with very little review for safety.
- A weakening of the federal government’s ability to stop the importation of products into the U.S. that contain toxic chemicals.
- Additional and likely insurmountable regulatory hoops for EPA to jump through before it can regulate a product that contains chemicals the agency has already designated as harmful.
- Ban on states from enforcing state restrictions that are identical to federal restrictions, which is a significant departure from other environmental and consumer protection laws.
- Inadequate fees from industry to cover the cost of a robust regulatory program.

Our organizations are committed not only to healing, but to prevention. Addressing the shortcomings of the chemical regulatory system by reforming TSCA is one of the most critical initiatives to prevent disease and to protect public health, but only if it is done right.

Sincerely,
Advocate Health Care
The Catholic Health Association of the United States
Dignity Health
Hackensack University Medical Center
Health Care Without Harm
Mt. Sinai Hospital – Children’s Environmental Health Center

cc: The Honorable John Barrasso The Honorable Thomas R. Carper
 The Honorable Shelley Moore Capito The Honorable Benjamin L. Cardin
 The Honorable Mike Crapo The Honorable Bernard Sanders
 The Honorable John Boozman The Honorable Sheldon Whitehouse
 The Honorable Jeff Sessions The Honorable Jeff Merkley
 The Honorable Roger F. Wicker The Honorable Kirsten Gillibrand
 The Honorable Deb Fischer The Honorable Cory A. Booker
 The Honorable Mike Rounds The Honorable Edward Markey
 The Honorable Dan Sullivan