



JULY 31, 2013

STRENGTHENING PUBLIC HEALTH PROTECTIONS BY ADDRESSING TOXIC CHEMICAL THREATS

U.S. SENATE COMMITTEE ON ENVIRONMENT & PUBLIC WORKS

ONE HUNDRED THIRTEENTH CONGRESS, FIRST SESSION

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Statement of Barbara Boxer

Hearing: Full Committee hearing entitled, “Strengthening Public Health Protections by Addressing Toxic Chemical Threats.”

Wednesday, July 31, 2013

Statement of Senator Barbara Boxer

Full Committee Hearing: “Strengthening Public Health Protections by Addressing Toxic Chemicals Threats”

July 31, 2013

(Remarks as prepared for delivery)

Today we will focus on how to protect the American people from harmful chemicals, while allowing companies who act responsibly to sell their products.

Our dear friend, the late Senator Frank Lautenberg and I have worked on these issues for nearly a decade, introducing many bills together on TSCA reform.

In 2005, S. 1391, the “Child, Worker, and Consumer-Safe Chemicals Act of 2005,”

In 2008, S. 3040, the “Kids Safe Chemicals Act of 2008,”

In 2011, S. 847, the “Safe Chemicals Act of 2011,” and

In 2013, S. 696, the “Safe Chemicals Act of 2013.”

In May, the month after Senator Lautenberg and I introduced our final TSCA reform bill, S. 696, he introduced S. 1009 with Senator Vitter.

We will look at multiple bills to reform TSCA to determine what we support and what we oppose, so that we can move forward to make the American people safer. All the bills agree on one principle: protecting people from harmful chemicals is important. The devil is in the details and that is why I fully support S. 696 where the details support that principle.

It is clear that TSCA is broken. In a key court decision, EPA’s plan to phase out asbestos uses was overturned, despite the court’s recognition that EPA “concluded that asbestos is a potential carcinogen at all levels of exposure, regardless of the type of asbestos or the size of the fiber.”

So now EPA faces terrible problems in addressing dangerous chemicals. I very much want to reform this law so that it works as intended and is better than current law.

I want to be very clear. When respected voices from all over the country tell us to protect the rights of the people we represent, I say yes – and that means ensuring that a chemical safety bill truly protects our families in California and across the country.

We have heard from a wide range of voices in opposition to S. 1009.

- California EPA has written “to express serious concern about the effects of S. 1009 on California’s ability to protect its residents....”
- The Asbestos Disease Awareness Organization said: “Asbestos victims are outraged to see [their] suggested amendments [from prior bills] regarding asbestos stripped from S. 1009.”

- 24 Environmental Health and Justice Organizations said: S. 1009 “would offer too many secrecy protections for chemical companies and may limit the ability of doctors, nurses, [and] first responders ...to obtain vital information....”
- 34 legal experts said: S. 1009 as “drafted, takes a step backward....”
- The American Association for Justice said: “S. 1009 is lacking in several areas vital to the protection of public health....”

I ask to put these statements in the record, as well as letters from Attorneys General from across the nation and the National Conference of State Legislatures expressing similar concerns with S. 1009.

When people in our states vote for very specific protections from harmful toxins, their rights must not be preempted.

And I hope we all agree that victims who suffer harm from dangerous chemicals have a clear right to hold industry accountable in order to prevent further injuries and deaths.

Let me summarize a Sunday LA Times story headlined “Landmark California regulations under federal fire.” It says:

California officials objected that S. 1009 not only would prohibit the state from imposing its own rules, but could invalidate several other state laws, including California’s Global Warming Act of 2006.

California Atty. Gen. Harris described the measure...as “a no-win that puts Californians at risk from toxic chemicals and inhibits the development of safer...products.” Her office says [S. 1009] would imperil the voter-approved Prop 65, which protects Californians from cancer.

I have listened to breast cancer victims, asbestos victims, advocates for infants and children, communities surrounded by industrial facilities, and our states who want to safeguard their citizens, as well as those who fight for the rights of injured victims. I have also listened to industry and appreciate those who look to provide consumers with greater confidence in their products.

I believe that if we all embrace the principles of protecting the most vulnerable through proven science, with fair rules for industry, with full respect for our states and victims of toxic chemicals, then we can have a strong TSCA reform bill coming out of this Committee. An EPA seal of approval can carry weight, just as an Energy Star certification carries weight.

Everyone on this Committee knows that I treasure bipartisanship. We have been a role model for working together on transportation, WRDA, formaldehyde standards, and lead-free plumbing. I know and believe we can follow that road on TSCA reform.

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STATE OF CALIFORNIA
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SENIOR COUNSEL TO THE ATTORNEY GENERAL

**Testimony of Michael A. Troncoso
Senior Counsel to the Attorney General of California, Kamala D. Harris
Before the United States Senate Committee on Environment and Public Works
July 31, 2013**

Chairman Boxer, Ranking Member Vitter, and distinguished members of the Committee, my name is Michael Troncoso, and I serve as Senior Counsel to California Attorney General Kamala D. Harris. Thank you for the opportunity to appear before you today.

Attorney General Harris has asked me to testify to ensure that the Committee is aware of the very serious consequences that will result if the Chemical Safety Improvement Act – S. 1009 – is enacted in its current form.

As currently written, S. 1009 will not give us more protection. To the contrary, it would cripple the states' power to protect our environment and the health and welfare of our citizens. If the law is adopted in its current form, it will set aside decades of California laws in the areas of consumer and environmental protection, and mark the end of the federal government's long partnership with state regulators and state Attorneys General in guarding against the harmful effects of toxic chemicals.

The preemption provisions of S. 1009 threaten to strip the states' long-standing ability to protect their citizens from dangerous chemicals by, for example, adopting protections where the federal government has adopted none, enforcing within their borders state toxic requirements that are identical to federal requirements, and banning in-state use of dangerous chemicals.

Preempting states in the absence of any enforceable federal rule – as S. 1009 would do – creates a regulatory vacuum that endangers public health and safety. While some may argue that states can always obtain a waiver of preemption, the bill’s waiver provision is illusory. It does not allow the states to adopt and enforce a stricter standard than the federal government, and it requires a showing of a “compelling local interest” that most state chemical laws today could not meet.

To illustrate what is at stake if state laws are preempted, let me outline some of the successes that California has had under its laws. These types of laws could be stopped in their tracks if S. 1009 is not substantially overhauled.

In 2003, California passed a statewide ban on certain flame retardants,¹ known as polybrominated diphenyl ethers or “PBDEs.” PBDEs are found everywhere – in foams in furniture and automobiles, in electronic printed circuit boards, in carpet backing, and in upholstery. PBDEs do not stay in these products, though. They end up in our environment and in our bodies. PBDEs may disrupt thyroid hormones, harm the developing fetus, and cause cancer. A recent study, funded in part by the National Institute of Environmental Health Sciences, reported that median levels of certain PBDEs in California pregnant women were the highest reported to date among pregnant women worldwide.² In California, we are taking action to reduce these harms. S. 1009 threatens to undo this progress.

California has also enacted strong laws to reduce exposure to toxic chemicals in the environment. Ozone, a component of smog, is a powerful reactive chemical that can damage respiratory tissues. High levels of ozone increase the risk of serious respiratory disease,

¹ California Health and Safety Code section 108922.

² Pham, *Highest Levels of Flame Retardant Chemicals Reported in California Pregnant Women*, NIEHS Environmental Factor (Sept. 2011) <http://www.niehs.nih.gov/news/newsletter/2011/september/science-chemicals> (as of July 23, 2013).

including asthma. The top five metropolitan areas nationwide with the worst ozone problems are in California.³ About one in eight people in California have been diagnosed with asthma, and it is particularly acute in California's African American population, whose members have a 40 percent higher asthma rate and are twice as likely to die from asthma.⁴

We take the ozone problem seriously in California. Ozone is created in part by chemicals known as volatile organic compounds or "VOCs." Consumer products such as deodorant, hair spray, and cleaning products contribute a significant amount of VOCs to the environment. California has enacted regulations limiting the use of VOCs in consumer products,⁵ resulting in an anticipated 48 percent decrease in VOC emissions from such products.⁶ S. 1009 could override these regulations, putting millions of people across the state at increased risk of respiratory disease, as well as substantially increasing health care costs.

The California Safe Cosmetics Act⁷ was the first state cosmetics regulatory program in the country. It requires manufacturers of cosmetics and body-care products to disclose added ingredients that are carcinogens or reproductive toxicants. As of 2011, 700 different companies reported some 17,060 different cosmetic and body-care products that contain chemicals known or suspected to be carcinogens or reproductive toxins.⁸ Many consumers have no idea that the products that they put onto their own and their children's bodies contain these harmful chemicals.

³ <http://www.stateoftheair.org/2013/city-rankings/most-polluted-cities.html> (as of July 24, 2013).

⁴ Milet et al., *Asthma in California: A Surveillance Report* (May 2013), California Department of Public Health <http://californiabreathing.org/asthma-data/burden-report> (as of July 23, 2013) (hereafter "*Asthma in California*").

⁵ California Code of Regulations, title 17, section 94509.

⁶ *Asthma in California, supra*.

⁷ California Health and Safety Code sections 111791 *et seq.*

⁸ Examining the Current State of Cosmetics, Hearing before House Comm. on Energy and Commerce, Subcomm. on Health (March 27, 2012), written testimony of Dr. Michael DiBartolomeis, Chief, Safe Cosmetics Program, California Department of Public Health <http://www.cdph.ca.gov/programs/cosmetics/Documents/Testimony.pdf> (as of July 23, 2013).

The first lawsuit brought under the Safe Cosmetics Act was against the manufacturers of a popular hair straightener that, it turned out, contained high levels of formaldehyde.

Formaldehyde – the same chemical used in embalming – is a known human carcinogen that can cause severe respiratory problems and even death.

The stylists who applied this product did not know it was causing exposure to a dangerous gas because it was labeled “formaldehyde-free.” The product sickened stylists and the women who came in for hair straightening. Customers and stylists complained of burning eyes, nose, and throat; asthma episodes; and skin blisters. California’s lawsuit was the first government enforcement action in the United States to address the exposure to formaldehyde gas from this product. As a result of the state’s action, the company reformulated the product to substantially reduce the formaldehyde level, stopped falsely advertising the product as formaldehyde-free, and provided warnings on the material safety data sheets provided to stylists. The lawsuit was a major step forward in protecting stylists and consumers from immediate and longer-term injuries from this product. S. 1009, however, threatens to undo the Safe Cosmetics Act’s protection.

Proposition 65 – a “right to know” law – was enacted by California voters in 1986.⁹ It requires that businesses warn consumers if the products they sell expose individuals to carcinogens or reproductive toxins. Consumers can then make a choice about whether to continue to use the product. Proposition 65 does not mandate that a manufacturer change a product. But, in practice, many manufacturers reformulate their products to eliminate the toxic chemical and eliminate the need to warn.

In exercising the Attorney General’s enforcement authority under Proposition 65, our office is especially concerned about chemical exposures to children. Children are particularly

⁹ California Health and Safety Code sections 25949.5 *et seq.*

sensitive to a range of toxins, and, because of their habits and activities, are more likely to be exposed to chemicals in products and in the environment. Accordingly, the Attorney General has enforced Proposition 65 to target products that put the most vulnerable among us at risk. I will provide a few examples.

- We discovered that vinyl “bounce houses” were causing lead exposures to children. Bounce houses are those colorful blow-up structures our children and grandchildren play inside at birthday parties and in amusement parks. Previously, bounce houses in California were made with lead-containing vinyl. Children touching the vinyl surfaces and breathing the dust created by the aging vinyl were exposed to significant levels of lead, which is a carcinogen, a reproductive toxin, and a potent neurotoxin. Because of Proposition 65, manufacturers of bounce houses started using low-lead vinyl, thereby protecting our children from a significant and completely unnecessary lead exposure.
- In a similar example, manufacturers previously used wood treated with chromated copper arsenate in children’s playground structures. The treated wood created a strong and durable structure, but inorganic arsenic – a carcinogen and potent poison – leached out of the wood as it aged. Children touching and climbing on the structures and breathing the dust from the ground were exposed to significant levels of inorganic arsenic. Again, faced with our Proposition 65 suit, manufacturers were able to switch to non-arsenic wood preservatives and to build safe and durable play structures without exposing our children to arsenic.
- The Attorney General was disturbed to learn that children’s jewelry contained lead in the painted surfaces or in the metal and plastic materials used to make the jewelry. In many cases, the jewelry was sold with labeling indicating that the jewelry was “lead-free,” but

testing by the California Department of Toxic Substances Control confirmed that the jewelry contained high levels of lead. Because children often handle their jewelry throughout the day and put it in their mouths, leaded children's jewelry was particularly problematic. As a result of our Proposition 65 enforcement, manufacturers have switched to low-lead materials, and they must use better manufacturing practices to protect consumers from unnecessary lead exposure.

I will close with one final example, one that shows significant promise for changing the entire way we deal with toxics. California has created a Green Chemistry Program and is in the beginning stages of implementing it through regulations.¹⁰ Green chemistry is an innovative new approach to environmental and consumer protection. It fundamentally changes the way we deal with toxic chemicals by encouraging companies to find safer alternatives for toxic chemicals in their products. It will allow us to move away from a system where we are constantly reacting to problems, to one where government and industry work together to avoid problems in the first place.

Many California companies have shown a voluntary commitment to implementing green chemistry principles. For example, one California company reformulated its body-care products to eliminate toxic chemicals and petroleum based ingredients. A second company has removed over 24 million pounds of hazardous chemicals and more than 10 million pounds of ozone-causing chemicals from its processing since 2001, and continues to remove more than 2.6 million more pounds each year.¹¹ In anticipation of the state's green chemistry regulations, many more

¹⁰ See Hazardous Materials and Toxic Substances Evaluation and Regulation, Statutes 2008, chapter 559 (A.B. 1879); Toxic Information Clearinghouse, Statutes 2008, chapter 560 (S.B. 509); see also California Green Chemistry Initiative, Frequently Asked Questions (Dec. 2008), Department of Toxic Substances Control http://www.dtsc.ca.gov/PollutionPrevention/GreenChemistryInitiative/upload/FAQs_greenchem.pdf (as of July 23, 2013).

¹¹ *Id.*

companies are seeing the value of green chemistry and changing their practices. S. 1009 will, however, jeopardize this innovative program.

These are only a few examples of the California laws that S. 1009 threatens. A more detailed discussion is contained in the letters from Attorney General Harris, from the Secretary of the California Environmental Protection Agency, from the Deputy Director for Legislation of the California Department of Toxic Substances Control, and from the Secretary for the Labor and Workforce Development Agency, which I have attached. These are not just the concerns of California; they are shared by other states as well. Also attached is a joint letter from the Attorneys General of Connecticut, Delaware, Hawaii, Maryland, Massachusetts, Oregon, Vermont, and Washington, who, along with California, set forth their concerns with the preemption provisions of S. 1009 and urge Congress not to undermine the traditional role of the states in protecting their citizens from toxic chemicals.

California shares the goal that is behind the effort to reform the Toxic Substances Control Act. The federal government must regulate chemical safety so that there is a minimum level of protection across the nation. At the same time, we urge the Committee to recognize and honor the long-standing authority of the states to act alongside the federal government to protect the health, safety and welfare of their citizens – to act as laboratories of innovation in the area of toxics regulation, and to tackle the problem of dangerous chemicals as a partner with the federal government. We urge you reject any amendment to the law that would undermine that authority and undermine our existing state and federal partnership.

On behalf of Attorney General Harris, I thank you for the opportunity to testify before this Committee.

Exhibit 1

KAMALA D. HARRIS
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June 11, 2013

The Honorable Barbara Boxer
Chairwoman, Senate Environment
and Public Works Committee
112 Hart Senate Office Building
Washington, D.C. 20510

RE: Concerns with Preemption Language in Chemical Safety Improvement Act, S.1009

Dear Senator Boxer:

I write to convey the concerns of the California Attorney General regarding the proposed Chemical Safety Improvement Act, S.1009. Although we recognize that the Toxic Substances Control Act (TSCA) is in need of substantial reform, we believe that S.1009, as currently drafted, cripples the police powers that California relies on to protect public health and the environment and, in addition, severely compromises California's authority to supplement and complement federal efforts to regulate the safety of chemicals. As a leader in chemical safety and consumer protection, California has a direct stake in the outcome of any reform of TSCA. We respectfully request that S.1009 be amended to address the problems outlined below.

California's Role in Protecting Public Health

California has been a leader in enacting laws that protect public health and the environment, and has served as a laboratory for innovation for other states and the federal government. Many of the innovative laws that California has enacted are jeopardized by S. 1009.

Green Chemistry

Over the past several years, California has undertaken to implement ground-breaking "green chemistry" programs, reflecting an approach to environmental and public health protection that focuses on reducing or eliminating the use and generation of hazardous substances. Green chemistry marks a sharp departure from managing hazardous substances after they already have entered consumer products and our environment. In 2005, the State enacted the California Safe Cosmetics Act, becoming the first state in the nation to regulate toxic ingredients in cosmetics. The next year, California established the California Environmental Contaminant Biomonitoring Program to identify toxics accumulating in California residents and, in 2007, banned plasticizers called phthalates in children's products. In 2008, California enacted

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two bills that together created the State's comprehensive Green Chemistry Program. Under that program, the Department of Toxic Substances Control (DTSC) is in the final stages of promulgating regulations that will establish a process for identifying chemicals of concern in consumer products and their potential alternatives, in order to determine how best to limit exposure or to reduce hazard levels.

Proposition 65

The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65), was enacted as a ballot initiative in November 1986 by 63% of the voters. Proposition 65 was designed to protect California citizens and drinking water sources from chemicals known to cause cancer, and birth defects or other reproductive harm. Proposition 65 requires the Governor to publish, at least annually, a list of chemicals known to the State to cause cancer or reproductive toxicity. Businesses may not discharge these chemicals to sources of drinking water and must warn individuals about exposures to the listed chemicals. The Attorney General is the only official with statewide authority to enforce Proposition 65, and actions by the Attorney General in the name of the People are brought under the sovereign authority of the State.

Using this authority, the Attorney General's Office has taken a number of steps over the years to protect public health, including:

- Required manufacturers to reformulate the "Brazilian Blowout" hair straightener which contained high levels of formaldehyde that sickened hair stylists and their customers, and to provide warnings and accurate labeling of such products.
- Required manufacturers, sellers, and distributors of vinyl "jump houses" for children, to lower the levels of lead in the vinyl. Children playing in the jump houses were previously exposed to significant levels of lead from the vinyl.
- Required terminal operators at the Los Angeles and Long Beach Ports to provide a strong warning program about diesel fumes emitted into surrounding neighborhoods, and to implement a Clean Trucks Program to reduce diesel emissions from Port operations.
- Required manufacturers to reduce the lead in calcium supplements, multi-vitamins, and other nutritional supplements, including prenatal supplements, supplements for women of childbearing age, and supplements for children to levels below where Proposition 65 requires point-of-sale warnings, an area in which the Federal government has not taken regulatory action.
- Required manufacturers of wooden playground structures to stop using wood treated with chromated copper arsenate, which exposed children to high levels of arsenic.

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- Required manufacturers of Mexican chili candies to reduce the high lead levels in their candies by improving their manufacturing processes, including washing the chilies before manufacture. The candies are eaten extensively by children in the Mexican-American community in California.

California's Programs are Threatened by S.1009's Overreaching Preemption Provisions

States Must Not Be Preempted in the Absence of Federal Regulation

Among the bedrock powers reserved to the states under the Tenth Amendment to the U.S. Constitution is the exercise of police powers to protect the health and safety. The courts have long recognized that regulation of health and safety matters is historically a matter of significant state concern, and the federal government has traditionally granted the states great latitude to protect the health and welfare of their citizens. To take away those historical police powers through preemption in instances where the federal government has yet to regulate or will not be regulating a chemical substance serves only to increase the risk to public health. Under S.1009:

- States are prohibited from enforcing existing state laws or from adopting new laws regulating chemical substances determined by U.S. EPA to be "high priority" even before federal regulations or orders become effective, creating a period of months or potentially years where such chemical substances are unregulated. See S.1009, § 15(a)(2).
- States are barred from adopting and enforcing new laws regulating "low priority" chemical substances – of which there will be tens of thousands – even though the U.S. EPA Administrator is also expressly prohibited from regulating those substances and has made only a preliminary safety assessment that is immune from judicial review. This creates a gaping and permanent regulatory vacuum. See S.1009, §§ 4(e)(3)(H)(ii), 4(e)(5) and 15(b)(2).

States Must Retain the Ability to Ban Use of a Chemical Substance In-State

Even where the federal government has acted to regulate a chemical substance, states must retain the ability to ban the use of that chemical substance in-state, in order to protect its residents' health and safety. In-state use bans – which do not prohibit the manufacture or processing of the chemical substance for export – do not unduly burden interstate commerce.

- Existing law gives states authority to prohibit the use of a chemical substance in-state without having to apply to the U.S. EPA for a waiver. See 15 U.S.C. § 2617(a)(2)(B)(iii). S.1009 revokes this authority by preempting state prohibitions or restrictions on the use of a chemical substance. See S.1009, §§ 15(a)(2), 15(b)(1) and 15(b)(2).

States Play a Vital Role as Co-Enforcers of Federal Standards

In numerous areas of environmental law, states and their political subdivisions play a vital role in enforcing federal standards. For example, under the nation's solid hazardous waste law – the Resource Conservation and Recovery Act (RCRA) – once state programs are certified by the federal government, states assume primary responsibility for enforcement. With respect to consumer product safety, federal law provides states with the ability to enforce federal regulations and orders. Under existing TSCA provisions, states are allowed to enact requirements that are “identical to the requirement prescribed by the Administrator,” gaining the ability to enforce that requirement without having to apply for a waiver.

- S.1009 provides none of the above avenues for state enforcement. Rather, enforcement of all new prohibitions or restrictions on chemical substances is wholly dependent on the resources, priorities, and discretion of the U.S. EPA and the U.S. Department of Justice.

States Should Have a Reasonable Opportunity to Obtain a Waiver to Enforce a Higher Degree of Protection Within Their Borders

Under the existing provisions of TSCA, where the Administrator has adopted a rule with respect to a chemical substance, states are allowed to apply for an exemption to provide a higher degree of protection, so long as state requirements do not make it impossible to also comply with federal law (i.e., create a conflict) or unduly burden interstate commerce. See, e.g., 15 U.S.C. 2617(b).

- S.1009 has no directly analogous provision. The bill allows states to apply for a waiver to enforce a prohibition or restriction, if the application is filed prior to the Administrator's completion of a safety assessment/safety determination. But, depending on the timing of the state's application, the waiver either terminates automatically after completion of the safety assessment/safety determination or terminates if it “conflicts” with the Administrator's safety assessment/safety determination (which itself is not a restriction or prohibition). See S.1009, § 15(c)(6).
- Even then, S.1009 sets up an unrealistic test if a state seeks to obtain a waiver to adopt and enforce its requirements. Specifically, a state must certify that “the State has a compelling local interest to protect human health or the environment.” See S. 1009, §§ 15(d)(1)(B)(i) and 15(d)(2)(B)(ii). It is unclear what is meant by “local interests” or what showing would be required. It is likely not possible to show unique circumstances that differentiate health risks by geography, since dangerous chemicals don't act differently in different locations. Risks from exposure to chemicals in the home, at the office or at retail establishments do not vary from one state to the next. Under this standard, it is unclear whether a waiver could ever be granted.

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Thank you for your consideration of our comments. Please feel free to contact me if you have any questions or need further information.

Sincerely,

A handwritten signature in black ink that reads "Brian Nelson (SM)". The signature is written in a cursive style with a large initial "B".

BRIAN NELSON
Special Assistant Attorney General

For KAMALA D. HARRIS
Attorney General

cc: The Honorable Diane Feinstein



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June 25, 2013

The Honorable Dianne Feinstein
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331 Hart Senate Office Building
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The Honorable Barbara Boxer
United States Senate
112 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Kirsten Gillibrand
United States Senate
478 Russell Senate Office Building
Washington, D.C. 20510

RE: S. 1009, Chemical Safety Improvement Act (CSIA) – Concern with Preemption Language

Dear Senators Feinstein, Boxer, and Gillibrand:

I am writing on behalf of the California Environmental Protection Agency (Cal/EPA) to express serious concern about the effects of S. 1009 on California's ability to protect its residents from toxic chemicals, air pollution, and threats to drinking water. You have previously received letters from the California Department of Toxic Substance Control and the California Attorney General's Office expressing reservations about this proposed legislation. (See attached letters of May 31 and June 11, 2013.) We agree with the concerns stated in these letters and write separately to note that as currently written, S. 1009 also could jeopardize California's ability to control greenhouse gases and thereby meet the State's targets under AB 32, the California Global Warming Solutions Act of 2006. Although the Toxic Substances Control Act (TSCA) is clearly in need of reform, we respectfully request that S. 1009 should not be adopted unless amended prior to moving forward in the Senate to address major concerns with the legislation, including the provisions governing preemption of state laws.

The existing and more reasonable preemption provisions currently in TSCA have allowed California to take necessary action over the past three decades to reduce toxic chemicals and protect public health and the environment. Many of our regulatory actions have resulted in beneficial changes in product composition and chemical use that extend far beyond the borders of our state. As an example, California's Safe Drinking Water and Toxic Enforcement

Act (Proposition 65) stimulated nationwide reformulation of numerous products to remove chemicals known to the State of California to cause cancer or reproductive harm. Successes under this law include removing lead from water faucets, eliminating trichloroethylene (TCE) from liquid correction fluid, and more recently removing flame retardants from infant nap mats.

California laws or regulations have also provided a model that is followed in other states or nationally. For instance, California legislation, adopted in 2007 to ban certain phthalates in toys and children's products [Cal. Health & Saf. Code, §§ 108935-108939, Stats. 2007, c. 672, A.B. 1108], was the inspiration for Senator Feinstein's legislation, S. 2663, banning these same chemicals nationally in the Consumer Product Safety Improvement Act of 2008.

After consulting with scientific and legal experts who work for the boards and departments within Cal/EPA, we have identified dozens of California laws and regulations that may be at risk of preemption under the current provisions of S. 1009. Information concerning each of these laws and regulations could be provided at your request, and several examples are highlighted here:

- **Global Warming Solutions Act of 2006 (AB 32):** Some very potent greenhouse gases, such as sulfur hexafluoride and methane, are of relatively low toxicity. If the EPA Administrator designates any of these chemicals as "Low Priority" under S. 1109, states will be barred from any "prohibition or restriction on the manufacture, processing, distribution . . . or use" of these chemicals. This provision could bar state actions to regulate or control potent greenhouse gases and could undermine California's efforts to achieve our reduction targets under AB 32.
- **Reducing Ozone Pollution:** California contains major geographic areas in "Extreme" ozone non-attainment. Ozone is a Criteria Air Pollutant that causes or contributes to respiratory disease, asthma, emergency room visits, hospitalizations, and premature death. Nonattainment areas are required to take aggressive action to reduce ozone pollution, including reducing the emissions of ozone precursors such as volatile organic compounds (VOCs). S. 1009 sec. 15, subsection (c) states that the preemption does not apply to a state regulation that is "... adopted under a law of the State . . . related to . . . air quality . . . that (A) does not impose a restriction on the manufacture, processing, distribution in commerce, or use of a chemical substance." The California Air Resources Board, however, has a number of regulations that would not be able to take advantage of the exception in subsection (c) because they impose restrictions on the "use" or "distribution in commerce" of specific VOCs in products. This could significantly impair California's efforts to come into attainment with the Clean Air Act and could put millions of people in the Los Angeles area and San Joaquin Valley of California at increased risk of respiratory disease.
- **Drinking Water Safety:** More than 60 California water systems contain hexavalent chromium or perchlorate. It is reasonably likely that these will be designated as "High Priority" chemicals under S. 1009, thereby immediately preempting all future state actions, and retroactively preempting existing state laws and regulations once U.S. EPA has acted. This puts future California activities to protect sources of drinking water in immediate jeopardy, and also may endanger historic regulations, including our 1989 ban on the use of hexavalent chromium in cooling towers; our 2007 strict performance and emissions requirements for the chrome plating industry; and the Perchlorate Best Management Practices regulations of 2006.

- **Consumer Product Safety:** Numerous California laws and regulations have collectively worked to increase the safety of consumer goods and reduce the use of toxic chemicals in products. Specific examples include the 2006 ban on certain flame retardants, which has been replicated or expanded in at least a dozen states; bans on mercury in products ranging from thermostats to thermometers, which are now in place in more than 20 states; a phase-out by 2014 of toxic substances including copper, cadmium, hexavalent chromium, lead, mercury and asbestos in automobile brake pads; and a ban on toxic chemicals in art supplies for young school children. The California Safer Consumer Products regulations, slated for release next month, will constitute the most ambitious effort to date to systematically address the issue of toxic chemicals in consumer products by promoting innovation in safer alternatives and green chemistry. Depending on the scope and interpretation of S. 1009 and the resulting actions of the EPA Administrator, components of the above laws and regulations will be put at risk.

In addition to the above issues, we are concerned that the lack of clarity of some of the preemption provisions in S. 1009 would open the door to extensive litigation. For example, the preemption of state actions that prohibit or restrict "the manufacture, processing, distribution in commerce or use of a chemical substance" in §15(a) and (b) should not be understood to limit states from requiring that information be provided to the public; however we recognize that the ambiguity of the language could cause others to claim that a label or warning to consumers is an indirect "restriction on the . . . distribution . . . or use". This issue requires clarification.

I am confident that this legislation is not intended to invalidate or undermine existing California laws and regulations governing public health and the environment, nor is it the intent to block future innovation and health protection at the state level. Accordingly, we respectfully request that you reconsider the provisions of S. 1009 to ensure that it is written in a manner that will be successful in protecting the public from toxic chemicals, in a reasonably expeditious manner, without unintentionally restricting the ability of states to protect consumers, health, and the environment.

Sincerely,



Matthew Rodriguez
Secretary for Environmental Protection

Attachments

cc: See next page.

cc: Ms. Katie Wheeler Mathews
Deputy Director
Washington D.C. Office of California Governor Edmund G Brown, Jr.

Mr. Cliff Rechtschaffen
Senior Advisor
Office of California Governor Edmund G. Brown Jr.

Brian Nelson
Special Assistant Attorney General
California Department of Justice

Sally Magnani
Senior Assistant Attorney General
California Department of Justice

Ms. Debbie Raphael, Director
California Department of Toxic Substances Control

Mr. Richard Corey
Executive Officer
California Air Resources Board

Mr. George Alexeeff, Director
California Office of Environmental Health Hazard Assessment

Exhibit 3



Matthew Rodriguez
Secretary for
Environmental Protection



Department of Toxic Substances Control

Deborah O. Raphael, Director
1001 "I" Street
P.O. Box 806
Sacramento, California 95812-0806



Edmund G. Brown Jr.
Governor

May 31, 2013

Felix S. Yeung, Esq.
Legislative Assistant
Office of Senator Dianne Feinstein
Felix_Yeung@feinstein.senate.gov

Dear Mr. Yeung:

I am writing to you to convey initial comments from the California Department of Toxic Substances Control (DTSC) regarding the proposed Chemical Safety Improvement Act ("the Act"). DTSC is extremely concerned about this bill. DTSC recognizes that the Act includes some positive reforms to the Toxic Substances Control Act ("TSCA"), but at this point, the areas of concern overshadow these improvements. While most of DTSC's concerns center around the Act's preemption provisions, DTSC also has broader concerns regarding the functionality and effectiveness of the Act.

Areas of concern:

- **The expansion of the preemptive effect of EPA action under TSCA.**
 - The Act would broaden vastly the scope and conditions of preemption by TSCA of state and local chemical regulations.
 - There is a need for clarification regarding what constitutes a "prohibition or restriction on the manufacture, processing, or distribution in commerce or use of a chemical substance," in order to clearly define what types of state actions are intended to be preempted under the Act.
 - Industry may argue that a labeling requirement could be considered a restriction on the use of a chemical substance, which is far too broad an interpretation of this phrase.
 - States would be barred from enforcing existing chemical regulations after issuance of a safety determination by US EPA, even when state regulations are consistent with the findings of US EPA's safety determinations.
 - States should be allowed to continue to enforce their regulations until the Administrator for US EPA promulgates a rule establishing necessary restrictions after making a determination.
 - States would be barred from imposing new prohibitions or restrictions on chemical substances that are identified as "high-priority" as of the time the

Administrator of US EPA publishes a schedule for conducting a safety assessment, not as of the time that such a determination is actually made.

- States should not be barred from imposing regulations on chemical substances for which they have already evaluated the safety and determined that prohibitions or restrictions are necessary to protect public health or the environment merely because the Administrator has released a schedule by which US EPA will conduct its own assessment.
- The criteria for a state waiver are nearly impossible to meet.
 - The requirement that “compelling State or local conditions” warrant the waiver is unreasonable, as the risks presented by exposure to chemical substances are unlikely to present localized risks.
- **The safety standard to be used in making safety determinations**
 - There is a need for clarification of the definition of “unreasonable risk of harm to human health or the environment,” which is central to the regulatory standard of US EPA's safety determination.
- **The lack of deadlines for US EPA actions both in making the initial determinations of high-priority and low-priority chemicals, and in acting upon unreasonable risks that are identified**
 - Proposed language only says that the US EPA Administrator “shall make every effort to complete the prioritization of all active substances in a timely manner.”
 - There is conflicting language in Section 4, subparagraph (e)(3)(E)(i) and (ii) under “Identification of High-Priority Substances.” These provisions state that the Administrator both “shall” and “may” identify a chemical substance that has the potential for high hazard or exposure as a high-priority substance.
 - Deferring safety determinations until after receipt of additional test data and information may allow the chemical industry to actively stall the assessment process if no deadline is included.
 - There is no proposed deadline by which the US EPA Administrator must promulgate a rule establishing necessary restrictions after making a determination that a chemical substance does not meet the safety standard under current intended conditions of use.

Background:

The Act first requires US EPA to identify all active chemicals, which are those in use in non-exempted products in the last 5 years. These chemicals will represent US EPA's initial list of chemicals, and EPA will then consider existing information, and where more is needed, will solicit this information from the public. EPA is then charged with conducting a prioritization screening of these chemicals. This screening designates chemicals as either low-priority, when they are “likely to meet the safety standard,” or high-priority, indicating that they present a high hazard and exposure or high hazard or high exposure. EPA can also prioritize chemicals that lack sufficient information as high-priority.

Once prioritized, the Administrator of US EPA will publish a schedule for the completion of a safety assessment of high-priority chemicals on a chemical-by-chemical basis. The assessments will result in a safety determination by the Administrator as to whether a chemical substance meets the safety standard under the intended conditions of use. The safety standard is defined as “a standard that ensures that no unreasonable risk of harm to human health or the environment will result from exposure to a chemical substance.” If there is a determination that there is insufficient information to make this determination, the Administrator may obtain new data by request, rule, testing consent agreement, or order.

If a chemical does not meet the safety standard under current intended conditions of use, the Administrator may impose, by rule, necessary restrictions or prohibitions on use of the chemical, or a ban or phase-out of the chemical. The latter must be based on a cost-benefit analysis. The Act significantly changes the preemption provisions in TSCA (currently found in section 18). Under TSCA, a state may apply to the Administrator for an exemption from preemption for a state requirement

“designed to protect against a risk of injury to health or the environment associated with a chemical substance, mixture, or article containing a chemical substance or mixture if (1) compliance with the requirement would not cause the manufacturing, processing, distribution in commerce, or use of the substance, mixture, or article to be in violation of the applicable requirement under [TSCA], and (2) the State or political subdivision requirement (A) provides a significantly higher degree of protection from such risk than the requirement under [TSCA] and (B) does not, through difficulties in marketing, distribution, or other factors, unduly burden interstate commerce.”

Under the proposed Act, however, States are preempted from enforcing existing requirements, or establishing new requirements, once the Administrator has issued a completed safety determination for a chemical substance, or published a schedule for conducting a safety assessment of a chemical identified as high-priority, respectively. The preemption provision would apply to State requirements that represent “a prohibition or restriction on the manufacture, processing, or distribution in commerce or use of a chemical substance...”, as well as certain requirements for the development or test data or information that would produce information similar to that required under section 4, 5, or 6 of the Act.

The Act does include a section on state waivers from the preemption provisions, but the criteria to qualify for such a waiver make obtaining one nearly impossible. The Act provides that if the State “determines in cannot wait until the end of the period specified in the established schedule and deadline for the completion of a full safety assessment and determination,” the Administrator may provide a waiver from the preemption provisions upon a determination that:

- “(i) compelling State or local conditions warrant granting the waiver to protect human health or the environment;
- (ii) compliance with the proposed requirement of the State or political subdivision of the State does not unduly burden interstate and foreign commerce in the manufacture, processing, distribution in commerce, or use of a chemical substance;
- (iii) compliance with the proposed requirement of the State or political subdivision of the State would not cause a violation of any applicable Federal law, rule, or order; and

- (iv) the proposed requirement of the State or political subdivision of the State is based on the best available science and is supported by the weight of the evidence; or
- (2)(A) the Administrator finds a safety assessment or determination has been unreasonably delayed; and
- (B) the State certifies that—
 - (i) the State has a compelling local interest to protect human health or the environment;
 - (ii) compliance with the proposed requirement of the State does not unduly burden interstate and foreign commerce in the manufacture, processing, distribution in commerce, or use of a chemical substance;
 - (iii) compliance with the proposed requirement would not cause a violation of any applicable Federal law, rule, or order; and
 - (iv) the proposed requirement is grounded in reasonable scientific concern.”

DTSC is very concerned that the bar has been set too high for obtaining state waivers from the expanded preemption provisions in the Act. The preemption provisions would potentially impact the ability of DTSC to implement certain regulatory responses under the Safer Consumer Products regulations, including product information for consumers, use restrictions on chemicals and consumer products, product sales prohibitions, engineered safety measures or administrative controls, end-of-life management requirements, and advancement of green chemistry and green engineering.

Thank you very much for reaching out to DTSC and allowing us the opportunity to provide input on these important issues.

If you have any questions, please feel free to contact me at (916) 324-7663 or Joshua.Tooker@dtsc.ca.gov

Sincerely,

Josh Tooker
Deputy Director for Legislation
Department of Toxic Substances Control



STATE OF CALIFORNIA
Labor & Workforce Development Agency

GOVERNOR Edmund G. Brown Jr. • SECRETARY Marty Morgenstern

Agricultural Labor Relations Board • California Unemployment Insurance Appeals Board
California Workforce Investment Board • Department of Industrial Relations
Employment Development Department • Employment Training Panel

July 23, 2013

Re: S. 1009, Chemical Safety Improvement Act – Preemption Language

The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, DC 20510

Dear Senator Feinstein:

On behalf of the California Labor and Workforce Development Agency (LWDA), I am writing to express serious concern about potential adverse effects of S. 1009 on California's current, ongoing programs to protect workers from hazardous exposures to toxic substances and prevent chemical accidents. We respectfully request that S. 1009 not be adopted unless amended to ensure these programs are not restricted or invalidated.

The Federal Occupational Safety and Health Act of 1970 allows any state to submit a plan and request approval to assume responsibility for development and enforcement of occupational safety and health standards. A state plan may be approved if it provides for the development and enforcement of safety and health standards that are at least as effective as Federal OSHA standards governing the same issues (29 USC § 667(c)(2)). In addition, the OSH Act explicitly allows adoption of standards concerning occupational safety and health issues for which no Federal OSHA standard has been promulgated (29 USC § 667(a)). In other words, not only does the OSH Act not preempt state standards, it explicitly allows states to promulgate standards that are more effective or broader in scope than federal standards.

Federal OSHA approved California's state plan in 1973. Within the LWDA, the California Department of Industrial Relations (DIR), through the Division of Occupational Safety and Health (also known as Cal/OSHA), operates California's state plan.

The OSH Act has allowed California to develop comprehensive occupational safety and health laws and regulations that go beyond federal standards. In some cases, our standards have served as a model for consideration by other states and Federal OSHA. The attached fact sheet, published in 2011, lists areas in which Cal/OSHA standards are more protective than related federal standards, issues covered by Cal/OSHA standards that are not addressed by federal standards, and other innovations.

Notable examples of California laws and regulations that help ensure greater protection of workers than federal standards include the following:

- The California Occupational Carcinogen Control Act of 1976 established a legal framework to protect employees during the use of a carcinogen. Among its provisions are requirements that employers report use of a carcinogen to Cal/OSHA, a requirement that does not exist in federal regulation. Due to this requirement to report use, Cal/OSHA can locate places of employment that use the specific carcinogens, and ensure that protective measures are in place.
 - For example, after an inspection of an establishment that manufactured gallium arsenide wafers for use in the semi-conductor industry found significant overexposures to arsenic, a regulated carcinogen, Cal/OSHA was able to use the carcinogen registrations to prepare a list of similar establishments. Programmed inspections were then conducted at ten facilities. While most were found in compliance, at other facilities significant problems were also found. In this way, we were able to protect this group of California workers from an increased risk of respiratory cancers.
- California's fee-funded regulation of asbestos contractors has helped to prevent abuses such as the use by unregistered contractors of untrained workers, often informal day laborers to remove asbestos. In addition to protecting workers, this program has prevented the contamination of homes, schools and other buildings due to incompetent work practices.
- California has a number of chemical-specific standards for which there are no federal counterparts. For example, in response to two cases of serious, and potentially fatal, lung disease in flavoring manufacturing workers, Cal/OSHA and the California Department of Public Health (CDPH) investigated exposures, control measures, and disease involving the use of diacetyl. As a result of this research, which uncovered many more instances of impaired respiratory function and lung damage, Cal/OSHA proposed a standard regulating exposure to diacetyl in flavoring manufacturing and food processing, which was adopted in 2010. Among the requirements of this standard are control measures to reduce exposure, training and labeling, and the reporting of use to Cal/OSHA. Other substances comprehensively regulated in California, but not under federal regulations, include the carcinogens ethylene dibromide (EDB) and 4,4'-methylenebis(2-chloroaniline) (MBOCA).

Our concern regarding preemption of occupational safety and health regulations is not speculative. California enacted the first "right-to-know" law concerning chemical hazards when the California Legislature passed the Hazardous Substances Information and Training Act in 1980. California's hazard communication standard was adopted to implement the Act. In 1986, California voters adopted Proposition 65, the Safe Drinking Water and Toxic Enforcement Act, which included a requirement to notify employees who were exposed to chemicals known to the State of California to cause cancer or reproductive toxicity.

In 1991, a new subsection was added to our hazard communication standard creating enforcement authority within Cal/OSHA over certain requirements of Proposition 65 as applied to employees. California was then sued over the issue of federal preemption under the OSH Act. Various cases, over a period of several years, were finally concluded when Federal OSHA, in 1997, published a supplemental approval of California's state plan as it incorporated Proposition 65. The US Court of Appeals ruled that Federal OSHA approval of these state plan provisions settled the issue of preemption under the OSH Act. We are seriously concerned that the broader preemption provisions of the S. 1009 may generate litigation over preemption of our programs generally.

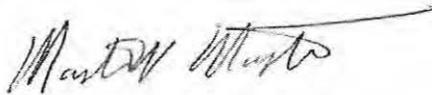
Protection of California's workers is also potentially threatened by preemption of state and local environmental regulations and actions, because the application of several Cal/OSHA standards relies upon an action by a local or state environmental agency. For example, the application of California's hazardous waste and emergency response (Hazwoper) regulation to a hazardous waste site relies upon the site being so designated by the US Environmental Protection Agency or by a state or local agency acting under California's Health and Safety Code.

Similarly, the California's tiered permitting system for hazardous waste treatment facilities allows Cal/OSHA to ensure that workers in those operations are trained and protected. Several years ago, California adopted laws and regulations regarding the handling, treatment and disposal of treated wood wastes. These regulations provide additional protection to workers in those operations. Other laws requiring surveys for asbestos-containing materials in public buildings, for lead containing coatings, and other hazardous substances also make California a safer place for its workers.

Finally, we note that as a result of a recent investigation and interim report issued by the US Chemical Safety and Hazard Investigation Board concerning the August 2012 toxic chemicals release and fire at the Chevron refinery in Richmond, California, which sent 15,000 local residents to nearby hospitals, California may improve Cal/OSHA's process safety management standard to better protect workers and may make similar improvements to environmental regulations to better protect public health and the environment. These improvements may not be allowed under the current preemption language of S. 1009.

We recognize that the Toxic Substances Control Act of 1976 needs to be clarified and strengthened, as S. 1009 intends, and that it is important that state regulation of toxic substances not contradict related federal programs. On the other hand, we believe it is also important not to quash state-level innovation that can serve as model for the rest of the country. I respectfully request that S. 1009 be amended to allow states to continue operating existing programs and to develop new programs that are not inconsistent with, and may even be more protective than, federal regulations promulgated under the new law.

Sincerely,



Marty Morgenstern
Secretary

cc: Christine Baker, Director, Department of Industrial Relations, DIR
Ellen Widess, Chief Division of Occupational Safety and Health, DIR
Ralph Lightstone, Director of Legislation, LWDA

Attachment: Fact Sheet Comparison of Cal/OSHA and Federal OSHA programs

Comparison of Cal/OSHA and Federal OSHA programs

GREATER LEVELS OF PROTECTION UNDER CAL/OSHA

Permissible Exposure Limits (air contaminants) – Federal OSHA is still using their original 1970 permissible exposure limits (PEL). Cal/OSHA reviews PELs continuously to determine if they should be updated. Since the original federal OSHA PELs from the 1970s, Cal/OSHA has added to or revised its PELs more than 20 times.

Examples include:

- Acetone (a widely used solvent)
 - California's PEL @ 500 ppm, federal PEL @ 1000ppm
- Aniline (used to produce the chemical MDI, and used in rubber processing, herbicides, and dyes and pigments)
 - California's PEL @ 2.0 ppm, federal PEL @ 5.0 ppm
- Manganese (used in steelmaking, and production of stainless steel and aluminum)
 - California's PEL @ 0.2 mg/m³, federal PEL @ 5.0 mg/m³

Cal/OSHA standards (non-PEL) more protective than Federal OSHA

- Control of Employee Exposure to Concrete and Masonry Dust (including silica)
- Washing Facilities at Construction Jobsites
- Notification to the Division of Lead-Related Work
- Hand Weeding, Hand Thinning, and Hand Hot Capping Operations in Agriculture
- Ventilation Requirements for Laboratory-Type Hood Operations
- Confined Spaces
- Bloodborne Pathogen amendments
- Hazard Communication amendments
- Aerosol Transmissible Disease/Zoonotics

High Rise Window Cleaning – Cal/OSHA has a very active program – one of only two programs in the country. Cal/OSHA's serves as a model for the country and has prompted changes in American National Standards Institute standards that govern window cleaning equipment.

Ergonomic Standard – California's has had an ergonomic standard since the late 1990s

Process Safety Management – Cal/OSHA has two offices focused solely on PSM with dedicated staff. The Feds inspect under a National Emphasis Program which only provides a 'snapshot' of operations at the time of the inspection. Cal/OSHA makes regular visits to facilities, to conduct Program Quality Verification reviews, respond to complaints, conduct fatality investigations, evaluate chemical releases and fires, and investigate explosions. The unit is very active in outreach, participating in quarterly safety summits and seminars, and working closely with other agencies.

Mining and Tunneling Unit – Cal/OSHA has regulatory authority over mining, milling and finishing operations whereas the federal Mine Safety and Health Administration only covers mining and milling. Critical standards applicable to these operations are better defined and more stringent in California with regard to guardrails, ladder way openings, fall protection and crane operator certifications. In tunnel safety, Cal/OSHA has higher standards than Fed/OSHA in that we require all tunnel construction jobs to have a State-certified safety



representative and gas tester on site. We also require a pre-construction meeting and the Labor Code mandates compliance inspections every 2 months when a tunnel is under construction.

CAL/OSHA COVERAGE WHERE THERE IS NO FEDERAL COUNTERPART

Diacetyl – Cal/OSHA adopted a standard in 2010 that regulates employee exposure to this food flavoring used extensively to flavor microwave popcorn and other food products. Acute exposure to diacetyl can lead to pulmonary problems, including bronchiolitis obliterans, a permanent and irreversible lung condition. Federal OSHA has no comparable standard.

High-rise Window Cleaning – Cal/OSHA has one of only two programs in the United States and is considered a national model. Our work in this area has resulted in changes to the American National Standards Institute standards used throughout the United States. Our standard requires an annual inspection of equipment on buildings which support window cleaning by a third-party inspector approved by the Division. Federal OSHA has no comparable program.

Injury and Illness Prevention Program (IIPP) – Implemented in the early 1990's, the California program has served as a model that Federal OSHA is now evaluating for possible adoption at the national level. This program requires every employer to have a safety and health program tailored to their specific workplace. California employers have found that the benefits of these programs include improved workplace safety and health, better morale, increased productivity and reduced costs of doing business.

Ergonomics – California adopted a Repetitive Motion Injury (RMI) standard in the late 1990's. The standard applies to a job, process, or operation where a RMI has occurred to more than one employee under certain conditions. Every employer subject to this section must have a program that includes worksite evaluation, control of exposures and training of employees. Federal OSHA has no comparable standard.

Economic and Employment Enforcement Coalition (EEEC) – In 2005, California launched an effort to suppress the underground economy by conducting enforcement "sweeps" in targeted industries employing low-wage workers such as agriculture, car washes, pallet operations, and the garment industry. Citing and penalizing unscrupulous employers is perceived as a way to reduce the profile of these operations thereby benefiting law abiding employers. Cal/OSHA has eleven staff members assigned to the EEEEC. There is no permanent U.S. Department of Labor counterpart.

Heat Illness Prevention Program – In 2006, Cal/OSHA promulgated an emergency standard to protect outdoor workers from the hazards of working in high heat environments. Since that time, thousands of inspections have been conducted as well as thousands of outreach, training and education sessions all intended to raise the awareness of the employer community and employees to how they can protect themselves. An encouraging trend has been noted since 2006 in that the rate of in-compliance inspections has been increasing. From a high of twelve heat related fatalities to one last year, it has become apparent that an experiment such as this underscores the value of a concentrated effort with equal areas of emphasis in enforcement and voluntary compliance. Federal OSHA has no comparable program.

Aerosol Transmissible Disease – In 2009, California adopted the nation's first standard to safeguard workers from the spread of airborne diseases. The standard is designed to protect workers in healthcare and related industries from the spread of diseases such as tuberculosis, measles, influenza and other pathogens by coughing and sneezing. It focuses on healthcare and related workplaces that typically treat, diagnose, or house individuals who may be ill such as hospitals, clinics, nursing care facilities, correctional facilities, and homeless shelters. It also covers emergency responders. The ATD standard requires healthcare employers and others at increased risk to develop exposure control procedures and train employees to follow them. Federal OSHA has no comparable standard.



INNOVATIONS

Special Advisory Committees – Cal/OSHA has a long history of reaching out to a range of stakeholders through the Cal/OSHA Advisory Committee. Additionally, special advisory committees are convened to address specific emerging issues such as re-evaluating PELs (Health Expert Advisory Committee), Aerosol Transmissible Disease, Heat Illness Prevention, and others.

Partnerships – California has enjoyed great success through partnership programs. The Division pioneered the partnership excellence process now called the Voluntary Protection Program by OSHA. Through a partnership agreement with the California Department of Transportation, several heavy bridge projects were successfully managed with no fatalities. Recently, a 7,000 ton section of the San Francisco-Oakland Bay Bridge was replaced over the Labor Day weekend with no fatalities and no serious injuries. An additional success story is the San Diego Ship Repair Association Shipyard partnership. We conduct annual audit inspections of each of the four shipyards. Injury and Illness rates have shown substantial declines for the four participating yards.

Permit requirements – Cal/OSHA requires affected employers to obtain permits in the following areas:

- **Construction** – permits must be obtained for all trenches and excavations five feet or deeper where employee entry is required; for the construction/demolition of any building, structure, scaffolding or falsework more than three stories high or equivalent to 36" high; and erection/dismantling of vertical shoring systems more than three stories or equivalent to 36'.
- **Tower Cranes** – permits are required for fixed and mobile cranes
- **Tunneling or Underground Mining** – the use of diesel engines in mines and tunnels requires a permit
- **Pressure Vessels** – permits are required for air tanks, LPG propane storage tanks over 125 gallons, and high pressure boilers over 15 psig steam

Registration Requirements – Affected employers must register with Cal/OSHA for operations in the following areas:

- **Asbestos Abatement Contractors** – employers or contractors engaged in asbestos-related work by disturbing more than 100 square feet of asbestos-containing material (greater than 0.1 percent asbestos by weight).
- **Carcinogen Users** – under certain circumstances, employers using a regulated carcinogen must file a report of use

Certifications – Cal/OSHA requires certification for the following equipment, operations, and personnel:

- **Cranes** – certification is required for operating cranes with a rated capacity of over three tons
- **Mining and Tunneling** – all underground mining and tunneling operations require certification of safety representatives and/or gas testers
- **Asbestos Consultants and Technicians** – any person who contracts to provide consulting activities relating to asbestos-containing construction material greater than 100 square feet must be certified

Notifications – Employers involved in certain operations or when certain events occur, must notify Cal/OSHA as follows:

- **Asbestos Abatement** – employers or contractors must send notification at least 24 hours prior to each asbestos job, regardless of the amount of material to be moved
- **Lead Work Pre-job Notification** – under certain circumstances, employers or contractors involved in lead work must send notification prior to the start of the job



- **Annual Permit-holder** – prior to beginning the construction activity, each annual permit holder shall complete a notification form and submit to Cal/OSHA
- **Serious or Fatal Accident** – employers must report work-related or suspected work-related fatalities, catastrophes, and serious injuries or illnesses immediately to the nearest District office
- **Mine Notification** – the owner, operator, or person in charge of any mine shall notify the Mining and Tunneling Unit before commencing operations
- **Underground Mine and Tunnel Notifications** – responsible management officials must notify the Mining and Tunneling Unit immediately in instances of fire, hoisting mishaps, sudden inflows of dangerous gases or water, and ground instability whether or not persons are injured; and, tunnel operators must notify the Mining and Tunneling Unit if a fire breaks out and injures employees within 24 hours

Heat Illness Prevention Network Calls – convened during the hot weather months in California, these monthly calls are designed to provide all stakeholders with an opportunity to speak with the Designee, Chief of Cal/OSHA and the Deputy Chief for Enforcement. After short updates by these three individuals, the call is open for any questions or issues related to the Heat Illness Prevention standard. Over 200 callers were on the line during the August HIP Network call.

PUBLIC SAFETY

Permit requirements – Cal/OSHA requires affected employers to obtain permits in the following areas:

- **Elevators** – the new installation and operation of passenger/freight elevators and other passenger lifts and conveyances requires a permit and annual renewal
- **Portable Amusement Rides and Bungee Jumping** – the operation of all amusement rides including bungee jumping requires a permit
- **Aerial Passenger Tramway** – an operating permit is required

Certifications – Cal/OSHA requires certification for the following equipment, operations, and personnel:

- **Permanent Amusement Rides (Qualified Safety Inspector):** no person shall perform the services of a QSI for permanent amusement rides unless they hold a valid QSI certificate issued by Cal/OSHA

STATE ATTORNEYS GENERAL

A Communication from the Chief Legal Officers of the Following States:

California · Connecticut · Delaware · Hawaii · Maryland
Massachusetts · Oregon · Vermont · Washington

July 31, 2013

Dear Chairwoman Boxer and Senate Environment and Public Works Majority Committee Members:

We, the undersigned Attorneys General, write to express our deep concerns about the unduly broad preemption language proposed in S.1009, the Chemical Safety Improvement Act. S.1009 would amend the Toxic Substances Control Act (TSCA) in a manner that we believe could, in its current form, seriously jeopardize public health and safety by preventing states from acting to address potential risks of toxic substances and from exercising state enforcement powers.

Protection of its citizens' health and environment is a traditional state duty and power. States have historically been at the forefront of protecting against the harms from toxic chemicals and driving innovation in the development of safer products, often acting before the federal government. Most recently, many state legislatures have introduced or adopted comprehensive chemicals management bills, as well as phase-outs and bans on harmful chemicals, such as cadmium, in children's products. Protection of children's health from harmful chemicals has been a particular focus of the states, and many laws in this area have been enacted with strong bipartisan support. *See Exhibit A (providing examples of State laws); see also Safer States, Safer Chemicals, Healthy Families* (Nov. 2010).¹

States recognize the need for reforms to make TSCA more effective, and indeed many states have adopted resolutions to that effect. However, reforms that come at the cost of sweeping preemption of state authority – as in S.1009 – do not advance the protection of our citizens' health and the environment. As the chief law enforcement officers of our states, we have concluded that the preemption provisions of S.1009 described below would seriously impair our ability to protect our citizens.

TSCA's current provisions recognize that Americans are better served when states work as partners with the federal government to enhance federal authority, and when states are allowed to identify emerging risks to health and the environment and drive innovations that reduce or eliminate those risks. Under existing law, the possibility of preemption does not arise until the federal government has acted to protect against a risk of injury to health or the environment. 15 U.S.C. § 2617(a)(2)(B). In contrast, S.1009 would preempt states from enforcing existing laws or from adopting new laws regulating chemicals that EPA designates as "high priority" months or even years before *any* federal regulations protecting health and the

¹ Available at www.saferchemicals.org/PDF/reports/HealthyStates.pdf.

environment become effective. S.1009, at § 15(a)(2). In addition, states would be barred from adopting and enforcing new laws regulating “low-priority” chemicals, even as the bill precludes any federal regulation of these chemicals and prohibits judicial review of the EPA’s priority designation. *Id.*, at §§ 4(e)(3)(H)(ii), 4(e)(5) and 15(b)(2).

Also, under existing law, once the Administrator has acted to regulate a chemical, states still may adopt new laws or continue to enforce existing laws regarding the same chemical and addressing the same risk – without a waiver – if the state requirement fits in one of three classes. 15 U.S.C. § 2617(a)(2)(B). S.1009, however, eliminates two of these classes. First, S.1009 eliminates the ability of states to adopt requirements identical to the federal standard, and therefore enforce federal standards under state law. Second, S.1009 revokes state authority to ban any in-state use of chemicals that the Administrator has regulated; under existing law, the states may ban in-state use other than use in manufacture or processing of other substances or mixes. S.1009, at §§ 15(a)(2), 15(b)(1), and 15(b)(2). Loss of this existing authority impairs the states’ ability to maximize enforcement resources and protect their citizens from dangerous chemicals.

Further, under existing law, the Administrator may grant a state’s application for a waiver from preemption for state regulations that are stricter than the federal standard and that do not unduly burden interstate commerce. 15 U.S.C. § 2617(b). S.1009 replaces this provision with a waiver that is illusory. Under S.1009, waivers are temporary and in some cases expire automatically, before any federal regulation is adopted or becomes effective. In addition, S.1009 requires a state to certify “a compelling local interest” in order to obtain a waiver. S.1009, at §§ 15(d)(1)(B)(i) and 15(d)(2)(B)(ii). Although the meaning of this provision is unclear, if it is intended to require a showing of circumstances unique to a particular state, we are concerned about its potential to be interpreted to create a complete barrier to a waiver, because the risks from exposure to chemicals in the home or workplace may be seen as not varying from one state to the next.

Any argument that existing preemption provisions will lead to a multitude of conflicting state requirements is misplaced. Over nearly 40 years, dating back to before the adoption of TSCA, states have been regulating chemical safety, and America has retained its leadership in chemicals research and manufacturing. We fully support Congress amending TSCA to enhance EPA’s resources and its ability to regulate chemicals, and we believe that if the existing TSCA preemption provisions are left in place, history has shown that the states will seek to harmonize state laws with federal requirements, and will enhance the effectiveness of federal law by devoting state resources to enforcement. Uniformity of regulation should not be achieved by sacrificing citizens’ health and the environment.

Our citizens are better served when states are allowed to complement the federal government’s efforts. Innovative state laws often result in better regulation and more safeguards, particularly for vulnerable subpopulations such as children and pregnant women. State initiatives have served as templates for national standards. Further, states have a long history of enforcement and can contribute a nationwide network of experienced enforcement staff.

We urge members of the Committee to recognize and respect the long-standing authority of the states to act alongside the federal government to protect the health, safety and welfare of their citizens. Amendments to TSCA should preserve the existing authority of the states to

enforce federal law; continue to allow states to adopt and enforce their own chemicals laws without restriction where the federal government has not acted or will not be acting; and protect the ability of the states to obtain a waiver to enact stricter standards.

Very truly yours,



Kamala D. Harris
California Attorney General



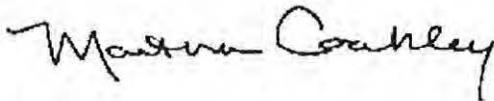
George Jepsen
Connecticut Attorney General



Joseph R. Biden, III
Delaware Attorney General



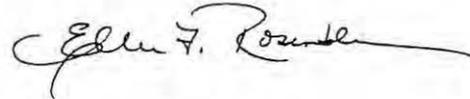
David M. Louie
Hawaii Attorney General



Martha Coakley
Massachusetts Attorney General



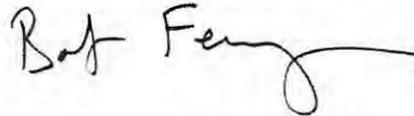
Douglas F. Gansler
Maryland Attorney General



Ellen F. Rosenblum
Oregon Attorney General



William H. Sorrell
Vermont Attorney General



Bob Ferguson
Washington State Attorney General

EXHIBIT A

EXAMPLES OF EXISTING STATE REGULATION OF CHEMICAL SUBSTANCES BY STATE

CALIFORNIA

- 1) State-wide ban on certain flame retardants (California Health and Safety Code section 108922);
- 2) Limits on the use of volatile organic compounds (VOCs) in consumer products – a significant cause of ozone pollution, which contributes to high rates of asthma in California (California Code of Regulations, title 17, section 94509);
- 3) The state's Safe Cosmetics Act, enforcement of which has led to a drastic reduction in the levels of formaldehyde gas in certain hair care products (Health and Safety Code sections 111791 *et seq.*);
- 4) Proposition 65, a "right to know" law, which has led many manufacturers to reformulate their products to reduce levels of toxic chemicals, including the reduction of lead in children's bounce houses, playground structures and play and costume jewelry; and
- 5) The state's Green Chemistry Program, a new and innovative set of laws designed to encourage companies to find safer alternatives for the toxic chemicals currently in their products (Hazardous Materials and Toxic Substances Evaluation and Regulation, Statutes 2008, chapter 559 (A.B. 1879); Toxic Information Clearinghouse, Statutes 2008, chapter 560 (S.B. 509)).

MARYLAND

- 1) Regulation of products with brominated flame retardants (Md. Code Ann., Envir. § 6-1202);
- 2) Ban on manufacture and sale of lead-containing children's products (Md. Code Ann., Envir. § 6-1303); and
- 3) Regulation of cadmium in children's jewelry (Md. Code Ann., Envir. § 6-1402).

MASSACHUSETTS

- 1) Ban under the MA Mercury Management Act (Ch. 190 of the Acts of 2006, amending MA General Laws ch. 21H), on the sale of certain mercury-added products, such as, without limitation and subject to certain exemptions: thermostats; barometers; flow meters; hydrometers; mercury switches; and mercury relays (310 C.M.R. 75.00);
- 2) Regulation of certain lacquer sealers, flammable floor finishing products, including clear lacquer sanding sealers (MA General Laws ch. 94, § 329);
- 3) The state's comprehensive chemicals management scheme that requires companies that use large quantities of particular toxic chemicals to evaluate and plan for pollution

prevention, implement management plans if practical, and annually measure and report the results (MA General Laws ch. 211); and

- 4) MA General Laws ch. 94B Hazardous Substances Act, providing for ban of any toy, or other article intended for use by children, which contains a hazardous substance accessible to a child, or any hazardous substance intended or packaged in a form suitable for use in households (105 C.M.R. 650.000).

OREGON

- 1) Ban on any product containing more than one-tenth of one percent by mass of pentabrominated diphenyl ether, octabrominated diphenyl ether and decabrominated diphenyl ether, flame retardant chemicals (ORS 453.085(16));
- 2) Ban on art and craft supplies containing more than one percent of any toxic substance, as identified on a list of hazardous substances promulgated by rule (ORS 453.205 to 453.275);
- 3) The Oregon Health Authority may ban from commerce products that contain hazardous substances that OHA concludes are unsafe, even with a cautionary label, and can ban toys or other articles intended for use by children that make a hazardous substance susceptible to access by a child (ORS 453.055); and
- 4) Ban on mercury use in fever thermometers, novelty items, certain light fixtures, and commercial and residential buildings (exceptions not referenced; ORS 646.608, 646A.080, 646A.081, and 455.355).

VERMONT

- 1) Ban on lead in consumer products (9 Vt. Stat. Ann. § 2470e-1 [the last character is the letter "l," not the number "1."]);
- 2) Ban on brominated and chlorinated flame retardants (9 Vt. Stat. Ann. §§ 2972-2980);
- 3) Ban on phthalates (18 Vt. Stat. Ann. § 1511); and
- 4) Ban on bisphenol A (9 Vt. Stat. Ann. § 1512).

WASHINGTON

- 1) Ban on the manufacture, distribution or sale of certain products containing polybrominated diphenyl ethers (Wash. Rev. Code 70.76);
- 2) Ban on the sale or distribution of sports bottles, or children's bottles, cups, or containers that contain bisphenol A (Wash. Rev. Code 70.280); and
- 3) Ban on the distribution or sale of children's products containing lead, cadmium, and phthalates above certain concentrations (Wash. Rev. Code 70.240).



Chemical Safety Improvement Act TSCA Finally Repaired

H. Michael Dorsey, Chief
Homeland Security and Emergency Response
West Virginia Department of Environmental Protection

The Toxic Substances Control Act (TSCA) is long overdue for repair or replacement. I appear before you today as a representative of the State of West Virginia to urge support for and passage of the Chemical Safety Improvement Act (CSIA). I think that CSIA is the best, and perhaps the last, chance to make needed repairs to TSCA. I am aware of objections to the bill brought forth by other states and organizations; however, I do not think any of these objections are insurmountable--especially given that even the severest critics praise the current bipartisan effort to address the problems of TSCA.

I do not need to go into the many flaws in TSCA. Opponents and supporters alike all agree that it is past time for TSCA to be fixed, and even the Environmental Protection Agency's own Inspector General acknowledges that is broken. There are those of us who have held this position for decades. I will, therefore, focus on the reasons that I think that CSIA should become law.

The bill states in its "Findings" section that "...scientific understanding of chemicals has evolved greatly since 1976, requiring that Congress update the law to ensure that chemical regulation in the United States reflects modern science, technology and knowledge." Sometimes it is easy to forget just how far science has progressed since 1976; but, chemical analysis, epidemiology, environmental modeling, and other disciplines are so far advanced since then that they are barely recognizable as the same fields. The "best available science" of today is far, far better than it was 37 years ago. While this is not to imply that TSCA scientists haven't kept up

with scientific trends and equipment, much of what was accomplished under this law was done long ago. The public, the regulated community, and those in state and local government need and deserve the most accurate and scientifically defensible information on chemicals that we can possibly have. I think that is possible with this bill.

Notwithstanding the programs in California, Washington, and a few other locations, most of the country--West Virginia included--lacks the resources and/or personnel to develop and implement chemical testing programs of their own. Because of this, we look to the federal government to perform that important work for us. I understand the reason that the more fortunate areas have forged ahead on their own, and I understand their concern that their efforts not be undermined; but, I strongly believe that protective language is in place, or that stronger language can be forged that will protect existing programs and allow the program to move forward for the rest of us. In fact, West Virginians have good reason to be concerned that we are able to maintain a level of independence in the evaluation process. As development of the Devonian Shale (most recognizably known as the Marcellus Shale) gas reserves progresses, we may have a need to evaluate and regulate chemicals used in the development and production of those reserves.

In recent years, many states have inserted language into their laws to the effect that state law can be no more stringent than federal law. The impact that an ineffective TSCA has in that arena is obvious. In order for a state to take any regulatory stance on a chemical not regulated by another program, the federal program must have taken some action other than just adding the chemical to a list. I think that CSIA, when implemented, will provide a framework that states can use to support their own actions, if necessary.

Consistency is important in any program, and it is especially important in programs that cross state lines and EPA regional lines. TSCA, for all of its shortcomings, has been fairly consistently applied across state and regional borders. I understand that it is important to protect the independence of programs that already exist (and I believe that can be done with this bill). I believe just as strongly that a clear and consistent federal program that actually does what TSCA was supposed to do can only benefit the citizens of this country.

I also envision CSIA as having a positive influence on both innovation and competition in the chemical industry. Green chemicals are desirable to the industry on two levels. First, the consumer has become far more concerned about the potential health and environmental effects of what he or she is buying. They are more likely to buy products that have been shown to be safe by an agency they trust. Second, the short and long-term environmental effects of a chemical are of great concern to the industry due to accidental releases. The easier to remediate a release, the less expensive it is. Chemical companies know and appreciate the costs of long remediation projects.

While it is difficult for me to say, as someone who has spent much of his professional life in the environmental protection business, but TSCA has provided a false sense of security to untold numbers of people in this country who have bought into the proposition that it was providing a safety net--that it was testing and evaluating new chemicals before they could come on the market. We know that is not true and we know that it will be a difficult assignment if and when CSIA comes to pass. But I think that we can all agree that it needs to be done. We owe it to our constituents.

Finally, I appear before you today as a graybeard. I have been around long enough to see some state and federal laws, rules, and regulations come to life and become implemented, and others slowly die and become forgotten. I have also seen laws with good intentions fail. TSCA is one of those failed laws. It was passed for good reasons and still has an important role to play in our country. Perhaps, its role is more important today than it ever has been. Some of what it accomplished has been very good--such as the regulation of PCBs, the elimination of lead-based paint, and the regulation of asbestos; but in the area that citizens most need protection, it has failed. It has failed to adequately test and evaluate chemicals as they enter into our lives. CSIA is the most viable chance to fix TSCA that has come along in my career. There are problems, of course. There are always problems with any legislation. This legislation deserves the chance to have the problems ironed out and to become law. If passed, it will still require a great deal of effort and care for it to avoid falling to the same fate as TSCA. It must be managed, evaluated, and adapted, as needed, to correct flaws that are not apparent to us today. But it is worth doing.

Thank you for the opportunity to appear here today.

Testimony of Ken Zarker
Pollution Prevention & Regulatory Assistance Section Manager
Washington State Department of Ecology
Before the Senate Environment and Public Works Committee
U.S. Senate

July 31, 2013

I want to thank Chairman Boxer and Ranking Member Vitter for the opportunity to testify on the important issue of preventing toxic chemical threats. The ongoing conversation to modernize our national chemicals management program is an important step forward. This is a unique moment for us to consider how we can work together to deliver greater environmental and human health benefits to the American people and the important role of the states.

I want to particularly recognize the efforts of the members of the committee for engaging the states in meaningful dialogue during the last Congress, including efforts by the late Senator Lautenberg. This has been a very helpful and informative process for the states and we appreciate the opportunity to share our perspective.

Today, I'd like to focus my comments on why states' programs are important, what states are doing, and why Washington and other states are compelled to act and will continue to in the absence of a federal solution.

Across the country, states have implemented programs to advance sound chemical management policies and programs. Beginning in the early 1990s, many states began to supplement existing end-of-pipe regulation with a

prevention-based approach aimed at reducing pollution at the source. It's encouraging that collectively our state pollution prevention programs have provided almost \$6.6 billion in economic benefits and eliminated or reduced more than seven billion pounds of pollution for our most recent data for the years from 2007 – 2009.¹

Despite this achievement, we still have chemical safety gaps as evidenced by accelerated state legislative actions over the past decade.

Over 77 individual chemical restriction bills have been passed by states in recent years, including 31 bills alone related specifically to mercury. In most cases, these bills have passed with broad bipartisan support. Washington State, as well as other states, enacted laws that require the identification and prioritization of chemicals of concern, the reporting by industry on the presence of priority chemicals in children's products, and phased reductions of copper levels in brake pads to reduce toxic stormwater pollution.

My job, and that of colleagues around the county, is to protect people and the environment from hazards and risks from toxic chemicals. This job has become more challenging with an outdated federal system. I think almost everyone agrees we need a fix at the federal level. A strong federal system that works is a more efficient use of our limited resources and reduces transaction costs for chemical management programs.

State and federal pollution prevention program have evolved over the past 30 years, but unfortunately, we have more work to do. Almost every state environmental and public health agency today has environmental data that show

¹ National Pollution Prevention Roundtable

increasing levels of toxic chemical contamination to people and the environment.

While the states have valuable programs and solutions, ultimately we need a federal TSCA that improves the safety of chemicals and restores trust in our institutions to protect our communities and economies from toxic threats.

What are states doing about these issues? State legislators have passed laws in reaction to these toxic threats – typically with chemical or product specific approaches. State legislation includes individual chemical bans like lead, mercury and cadmium and more recently on toxic flame retardants, addressing chemicals of concern in children’s products, and other consumer products.

Some states are looking at more comprehensive approaches to chemical safety, rather than fear the next set of toxic chemicals that we haven’t even heard of yet.

The current federal program does not prevent tomorrow’s problems. Obviously, it will take time to work ourselves out of our current situation and retooling the chemical sector for future innovation is an effort that needs a phased approach – many of the production units currently in use are designed to run 40 years or more. We cannot change the enterprise overnight, but starting this effort will put us on the road toward a more sustainable economy and keep the United States as global chemical producer while keeping good paying jobs in our states. A modern TSCA should promote innovation and green chemistry as the strategy for future economic growth.

The states need a modernized TSCA to help us avoid the types of legacy problems that continue to impact our states. I have two brief examples.

Over the past decade the private sector and taxpayers collectively spent over \$100 million to clean-up the Foss Waterway in Tacoma, Washington from legacy

toxic pollution. After successfully measuring improvements to the Puget Sound which the Foss Waterway flows into, we are now concerned with recontamination from a new class of pollutants called phthalates. Phthalates are used as plasticizers in a variety of everyday products such as flexible piping, soft plastic toys or some common packaging materials for consumer products. After spending \$100 million on cleanup it is likely our children will have to address additional future cleanup costs-- a travesty for future generations. And without fixes to TSCA, we could be facing additional untold new chemical cleanups.

Another example is located in eastern Washington on the Spokane River. In this case, polychlorinated biphenyls or PCBs continue to contaminate fish and sediments in the river. Like most Americans, I figured we solved the PCB problem with the passage of TSCA in 1976. But, PCBs are still allowed in products at low levels and we now know that they are inadvertently produced during manufacture of other materials such as pigments in inks. Inland Empire Paper Company, a regional paper company that's been around for more than 100 years began to notice PCBs in their wastewater resulting from their raw material – recycled newsprint and magazines. The company is now in a real regulatory bind – the desire to promote the recycling is now threatening to make it nearly impossible to meet water quality limits for PCBs set by the Clean Water Act. The company will need to meet strict water quality standards at levels orders of magnitude below as what's allowed in products under the TSCA regulations. It's a tall regulatory hurdle to meet.

This isn't an isolated problem. As more states look at these issues, we find similar problems. Over 10 years ago, Washington became increasingly concerned that persistent, bioaccumulative or toxic (PBT) chemicals were building up in the food chain and in our bodies. As a result, in 2000 we became

the first state in the nation to target these chemicals and adopted regulations in 2006 to phase out their uses and releases. Our state became the first in the nation to ban decaBDE, a commonly used flame retardant. Since then, several other states have banned decaBDE and the EPA announced the phase-out of decaBDE.

Washington State is not alone. Many states across the country are trying out creative solutions and providing leadership in the effort to advance sound chemicals management policy.

Today, as a manager of a pollution prevention program, I've come to the conclusion that federal action is essential. I'd like to share a few ideas to consider as we reach the tipping point for action.

Many of the federal bills that have been introduced over the past several years include good ideas for a workable national solution. These include granting authorization for the EPA to share confidential business information (CBI) with the states. This is not currently allowed under TSCA. The states recognize the importance of CBI data for companies to continue to bring new products and chemistries to market. The EPA has showed a willingness to share data with the states that can demonstrate compliance with federal CBI standards. As long as state agencies can ensure that CBI will be protected from disclosure to the same extent as it would be in the hands of federal regulators, there's no reason to prevent such exchange of information. States can be trusted with CBI data as demonstrated by over 40 years of states' implementation of federally delegated programs such as the federal Clean Water Act and the Resource Conservation and Recovery Act.

Chemicals prioritization for safety assessments should allow EPA to gather necessary data for making good prioritization decisions. New science related to computational toxicology and predictive models will continue to emerge in the coming years, so a modernized TSCA should support the advancement of new data and methods. Requiring the EPA to set and meet safety determination targets will be critical to the success of addressing and prioritizing the significant work ahead. A modernized TSCA would allow EPA to require manufacturers to collect additional information about chemicals if that information is needed for prioritization or development of the safety standard.

States should be able to continue to act and bring forward chemicals of concern to EPA as part of this effort, including providing peer reviewed data and information. EPA should be required to consider the availability of safer alternatives when conducting safety assessments. Also, a modernized TSCA should include specific timeframes for actions by EPA with funding commensurate with those expectations.

Finally, a modernized TSCA should also address the emergence of new tools such as alternatives and life cycle assessment. I am not aware of any of the federal legislative proposals that recognize or encourage the use of alternatives assessment as a smart method to addressing chemicals of concern, but the states have recognized alternatives assessment as a tool that could significantly improve our ability to prevent future legacy type problems from occurring.

Including alternatives assessment and life cycle thinking in TSCA reform is a proactive method for identifying, comparing, and selecting safer alternatives to chemicals of concern. Today, leaders from industry, U.S. EPA, the states, and nongovernmental organizations are working to design a process for prevention-

based decision making. Some in industry are already using these tools to support product development, reduce hazard and minimize exposure in an effort to promote transparency and seek competitive advantage in the marketplace. Washington State and several other states have been working with stakeholders to develop and refine the principles of alternatives assessment. California's Safer Consumer Products regulations include Alternatives Analysis provisions.

As we all know, any discussion related to preemption is of high interest to the states. A strong federal system that works will help reduce state concerns as some states don't want to set up and staff chemicals management programs.

Washington supports a strengthened federal-state relationship as part of TSCA modernization, including adequately resourcing both federal and state programs.

TSCA is unlike most federal environmental statutes where the states are considered co-regulators with the federal government in protecting public health and the environment. Amendments to TSCA must preserve the existing authority of the states to act to enforce laws, support state chemicals management programs, and be strengthened to meet state needs.

Until we have a national solution, we will continue to act on chemical safety in our states. It's our obligation to respond to the citizen's of our state.

Finally, states have a demonstrated history of stepping up to fill federal gaps, introducing and passing laws to help mitigate the threats and costs to public health and supporting consumer demand that manufacturers produce safer products with more transparent disclosure. At the same time, businesses remain concerned that conflicting state regulatory actions will become increasingly challenging. An effective federal framework will do much to resolve this situation.

Continued gaps and holes leave consumers and constituents reliant upon the states to step up.

I want to end by emphasizing that we see TSCA reform as both a true necessity to protect people and the environment and as a real opportunity to strengthen American products and industry. The U.S. is a global leader in chemistry and there is increasing market demand for better products. I thank you for your leadership to move forward on practical solutions to improve our nations' chemical management system. Thank you for the opportunity.

Chemical Safety Improvement Act (S. 1009)
Washington State Department of Ecology Addendum
July 31, 2013

Introduction

These comments on the Chemical Safety Improvement Act of 2013 (CSIA) are submitted on behalf of the Washington State Department of Ecology (Ecology), a state environmental agency working to support reform of the Toxic Substances Control Act (TSCA).

Ecology is very pleased by the bipartisan nature of the CSIA, but we note that clarification and intent is still needed. As written, S. 1009, contains concerning requirements that make the onerous preemption provisions particularly problematic in that it will severely limit the states' ability to protect their citizen's health, children's health and their environments from toxic chemicals.

Reforming the Toxic Substances Control Act of 1976 (TSCA) is a key issue for Ecology, as well as other states. In 2010, Ecology worked with other state environmental commissioners as part of the Environmental Council of States (ECOS) to pass a resolution calling for responsible TSCA reform. The resolution included actions to cover both new and existing chemicals, provide for responsive actions when needed, allow for assessment of safer alternatives, ensure preservation of state authority by limiting preemption only to situations where compliance with both federal and state law would be impossible, and enhance collaboration and information sharing between federal and state programs.

Our state legislature has actively engaged with chemical policy legislation. Through our work, we have learned many lessons about what has worked and what has not in the federal TSCA law and about how to successfully address toxic chemical risks. Our comments address a number of key issues for Ecology, which are that TSCA reform should:

- Establish a strong federal system that protects the most vulnerable and ensures the safety of chemicals in commerce.
- Preserve States' ability to protect public health and the environment by limiting preemption of state authority, including preemption that limits the state's ability to establish environmental programs more stringent than federal programs, to situations where compliance with both federal and state laws would be impossible, and by expanding environmental authority to the States.
- Ensure EPA has adequate data to make informed prioritization decisions.
- Require manufacturers to generate adequate data to show that chemicals meet the safety standards.
- Require EPA to make safety determinations in an efficient and timely manner.
- Create a system where manufacturers have a responsibility to demonstrate that their chemicals are safe.

- Share information and coordinate between state and federal programs to maximize use of resources and ensure a predictable regulatory environment for all stakeholders

We respectfully ask for your consideration of the following comments and would welcome the opportunity to provide additional information, answer questions, engage in discussion, and provide suggested language on any or all of these issues.

Enhance States Role by Eliminating Preemption of State Authority and Programs to Protect Citizens and Environments

Under most federal environmental statutes, the states are considered co-regulators with the federal government in protecting public health and the environment (for example, Superfund or CERCLA, hazardous waste laws or RCRA, etc.). For more than 40 years, states have worked as partners with the U.S. Environmental Protection Agency (EPA) and other federal agencies to co-implement the nation's environmental laws facilitating the development, implementation and enforcement of environmental programs.

Congress has provided by statute for delegation, authorization or primacy of certain federal program responsibilities to the states, which, among other things, enables states to establish state programs that meet or go beyond the minimum federal program requirements.

States, where supported by their legislators and citizens, should be able to take necessary actions to reduce toxic chemicals and protect public health and the environment. Many of the states' regulatory and prevention-based actions have resulted in beneficial changes in chemical use and consumer product composition, and have provided our citizenry with information that is helpful in making individual choices about the products they wish to purchase and use. Some of these provisions have been models for subsequent federal legislation, such as the banning of phthalates in toys and children's products that was included in the federal Consumer product Safety Improvement Act of 2008.

This "co-regulator partnership" must be recognized in the modernization of the Toxic Substances Control Act (TSCA). States have a very different relationship with the U.S. EPA than we did over 35 years ago when TSCA was first passed. One area where the states have played a significant role is the use of chemicals in consumer products. Many states have passed laws requiring the labeling of products that contain hazardous chemicals, banning the use of chemicals in certain products or classes of products, and establishing reporting requirements on the use of hazardous chemicals in certain products. These laws have been important as they have taken action with regard to chemicals of significant concern to human health where federal action has lagged (example: brominated flame retardants, mercury); they have also provided information to consumers who are concerned about the complex and not yet fully understood effects on human health from exposure to low

levels of chemicals in everyday products (e.g. endocrine disrupting chemicals, chemicals linked to epi-genetic effects that can span generations, etc.) and choose to avoid these chemicals in their everyday purchasing decisions. Without these state-based regulations, this information would not be available.

CSIA would preempt states from adopting new laws addressing the manufacture and use of toxic chemicals following an EPA prioritization determination whether or not EPA takes timely or effective federal action to ensure safety. Existing, effective, state toxics laws are also subject to preemption following the mere completion of a safety determination by EPA, limiting state's ability to take action based on new science indicating a risk not addressed by EPA, or if EPA fails to take effective action. This elimination of state's rights to take steps to protect their citizens and the environment is unacceptable to a number of states and, on balance, outweighs the positive elements of the Act.

Prioritization

The CSIA directs the EPA to develop a framework for the assessment of chemical substances. This framework includes policies and procedures for the collection of existing information from manufacturers and processors of chemical substances; criteria for evaluating the quality of this data and information; and a process for prioritizing chemical substances for safety standard assessments.

The bill will prioritize chemicals into one of two groups, either low-priority or high priority. The EPA is to identify chemicals that, relative to other substances, have the potential for high hazard and high exposure, and may consider listing chemicals that exhibit only one of these characteristics, as high-priority substances. Low-priority chemicals substances are substances that the administrator determines are likely to meet the safety standard, on the basis of available information and under the intended conditions of use. High-priority chemical substances will undergo a safety assessment in accordance with a schedule published by EPA.

The states have many years of experience in the prioritization of chemicals substances, the evaluation of chemical substances for safety, and evaluating alternatives to hazardous chemicals.

We would like to raise several concerns regarding the proposed prioritization and screening process:

1. **Chemical Test Data** – Washington is concerned that CSIA will continue the common problem that discourages the testing of existing chemical substances under the current TSCA. Unless a chemical is up for prioritization under CSIA there will be little incentive to generate new data. As testing could find evidence of hazard or risk and result in the chemical being scheduled for a safety standard assessment. Therefore, there would be little incentive to test existing chemicals, which lack toxicity data or have not been identified as a chemical of concern.

2. **Minimum Data Set** - CSIA needs revised language to require a minimum data set.
 - a. **High Priority Chemicals** - The language in the current proposal is not clear or sufficient regarding “lack of data” as a criteria for prioritization. We recommend that the Act require EPA to categorize chemicals lacking sufficient data as a high priority.
 - b. **Low Priority Chemicals** – This language should be clarified to require a minimum amount of data to classify a chemical as a low-priority chemical substance. The amount of required information could be tiered based on production volume but should at a minimum include information on carcinogenicity, mutagenicity, developmental toxicity, acute toxicity, chronic toxicity, endocrine disruption, environmental toxicity, or other toxic effects as determined by EPA.
 - c. **Harmonization** - The SCIA should support global harmonization of chemical safety data and information, including required basic health and safety information for all chemicals in commerce. At a minimum it should require manufacturers of chemicals to provide the same safety information provided in other countries. Washington is concerned that much of the information provided under international chemical management programs may not be considered “existing data.” This is due to the complex financial arrangements required to pay for new testing of chemical substance. This data is often generated under contracts which provide that the data may only be used for purposes related to the other countries’ chemical management programs. The language in the CSIA should be clear that the same information provided to other countries must be provided to EPA.
3. **Safer chemicals** – SCIA should require manufactures of chemicals to provide similar data for new chemicals. Lack of data can hamper innovation and prevent the adoption of safer alternatives. Many companies are working to remove hazardous chemicals from their products and processes – often saving money in the process. When companies remove a hazardous chemical they often have to identify a safer alternative. When doing this they must gather toxicity information on the proposed alternative chemical, to ensure they are making a smart substitution. If toxicity information for an alternative is not available they are left with two choices, search for another alternative or conduct the testing themselves. Manufacturers of chemical substances should bear the burden of generating basic health and safety information for all chemicals they sell.

Safety Assessments and Determinations

Ecology supports efforts in CSIA that call for an evaluation of all chemicals in commerce. After chemicals are prioritized, the EPA must conduct a safety assessment of high priority chemicals. A safety assessment is a risk based assessment of a high priority chemical. The EPA is required to develop rules to establish the procedures for carrying out the safety assessment. If EPA determines

that existing data is not adequate to complete a safety determination, they may require manufacturers and processors of chemicals to generate new data and information. Safety assessments are not subject to judicial review.

After completing a safety assessment EPA is directed to make a safety determination. This is a determination as to whether a chemical meets the safety standard of unreasonable risk or does not. If a chemical does not meet the safety standard, EPA has the authority to implement risk reduction measures, including labeling requirements, restrictions on the quantity of the chemical that may be manufactured, restrictions on use, or bans and phase outs. All risk reduction measures are implemented through rules and there are various additional requirements on EPA if they wish to ban or phase out the use of a chemical, including identifying economically feasible alternatives, evaluating the risks posed by these alternatives, and conducting an economic and social cost benefits analysis.

Ecology has the following comments on the safety assessment and determinations process:

1. **Determination Criteria** - It is unclear from the current bill language how these determinations are to be made. The bill states that these determinations are to be based solely on considerations of risk to human health and the environment, yet the safety standard is clearly defined as ensuring that no unreasonable risk of harm occurs. EPA is also called upon to evaluate issues unrelated to the risk of human health or the environment including an analysis of the economic and societal costs and benefits of an alternative chemical substance. This would appear to indicate that the determinations and EPA's ability to take action are not biased solely on the risk to human health and the environment. Ecology is concerned that this recreates the same high bar for EPA action as in TSCA.
2. **Shared Responsibility** - At each step in the review process, CSIA places the responsibilities squarely on EPA. The responsibilities should be more equitably shared between the manufacturers and EPA. For example manufacturers of high priority chemical substances should be required to conduct alternative assessments in accordance with guidelines established by EPA. The assessments should be publicly available. In cases where safer alternatives are available, chemical policy should help shift uses towards the safer alternatives. Manufacturers should also propose appropriate risk reduction measures, when their chemicals are reviewed for safety. These proposed risk reduction measures should then be required by EPA upon the completion of a safety determination.
3. **Timeframes & Implementation** - There may be a significant gap between the time a determination is made and when risk reduction measures are implemented. Risk reduction measures are implemented through rule and are implemented after safety determinations. Rule making can be very lengthy, with significant rules taking many years to complete. Risk reduction measures should take effect immediately after determinations are made.

4. **Authority and Rulemaking** - Certain risk reduction measures should not require rulemaking. For example EPA should not have to conduct rulemaking to require the labeling of a chemical substance. The EPA should be able to issue orders to implement certain risk reduction measures. Rulemaking should only be required when implementing a phase out or ban.

Safety Standard

The safety standard in the current proposal is “a standard that ensures that no unreasonable risk of harm to human health or the environment will result from exposure to a chemical substance” under its intended condition of use. While there have been some changes to this language the standard is very similar to the current safety standard – a standard that has proved nearly impossible to fail, as shown by the Corrosion Proof Fittings V. the EPA case. Based on this case, Ecology identified three principle concerns with the current safety standard:

1. The substantial evidence standard of judicial review.
2. The requirements on EPA to select the least burdensome risk reduction measure
3. The complex calculations EPA is required go through to determine what constitutes an unreasonable risk.

We are pleased that this proposal addresses one of these concerns, the requirement to select the least burdensome risk reduction measure; however we fear that these changes alone will not ensure an adequate level of safety for the use of chemicals in commerce. Ecology is significantly concerned that EPA will face a considerable “burden of proof” when adopting rules to implement risk reduction measures. Rules promulgated under TSCA should be subject to the same level of judicial scrutiny as other federal regulations.

Ecology would recommend striking the sections of TSCA which create this higher standard of judicial review.

One of the current problems with TSCA is that EPA has the burden of gathering evidence that a chemical poses an unreasonable risk before taking risk reduction measures. Ecology supports the principle that manufacturers should have to provide EPA with evidence that the chemicals they manufacture are safe. The EPA should then evaluate this evidence to determine if a chemical meets the safety standard.

A reformed TSCA should shift from the current process whereby EPA has to show that there is substantial evidence of an unreasonable risk, before taking risk reduction actions, to one where manufacturers must provide adequate evidence that the chemicals they manufacturer may be used safely in commerce.

Timelines and EPA Funding

The timelines and schedules in SCIA need to be revised to promote efficiencies when EPA starts implementation of the bill. While some elements of the SCIA contain specific timelines that EPA must meet many others do not. Without specific timelines it is impossible to know how long it will take to implement risk reduction measures or to evaluate chemicals for safety. There should be clear expectation on EPA to complete tasks within specific time frames. The EPA should also be required to complete the evaluation of a specific number of chemicals within a given amount of time.

In order to realistically ensure timely progress, a funding mechanism needs to be included in the bill. Without a dedicated funding source EPA will be unable to meet these timelines and the chances for delays increase. The cost of a federal chemical regulatory program should be borne by the manufacturer, importers, processors, and users of chemicals.

Confidential Business Information (CBI)

Section 13 of the CSIA revises confidential business information (CBI) will be treated. The proposal creates three categories of information and prevents the disclosure of CBI. The categories of information created by the proposal are information that is presumed to be protected from disclosure, information not protected from disclosure, and other information which may be protected from disclosure if a manufacturer files a claim. The proposal also provides for a process for the EPA to review claims, exemptions from CBI protection, and an appeal process.

Ecology understands the need to protect certain information from public disclosure. A strong chemical management system, however, should provide for the maximum amount of publicly available data.

We have the following specific comments related to the proposal:

1. **Information presumed to be protected:** The identity of the constituents in a mixture should not be presumed to be protected from disclosure. The identity of the chemical substances in a mixture should be treated in the same manner as the identity of the chemical substances themselves.
2. **Exemptions to protection from disclosure:** This section provides for information to be disclosed to state or local governments upon written request. The current language requires:
"1 or more applicable agreements with the Administrator ensure that the recipient government will take appropriate steps, and has adequate authority, to maintain the confidentiality of the information in accordance with procedures as stringent as those which the Administrator uses to safeguard the information."

We would recommend changing this language to read:

“1 or more applicable agreements with the Administrator ensure that the recipient government will take appropriate steps, ~~and has adequate authority,~~ to maintain the confidentiality of the information in accordance with procedures ~~as stringent as~~ comparable to those which the Administrator uses to safeguard the information.”

This will avoid future concerns over whether a specific authority is adequate or if one procedure is more or less stringent than another. A written agreement with EPA should be sufficient to protect the confidentiality of this information.

3. **Timeframes** - In general, CBI information claims should not be granted indefinitely. We would recommend that the proposal require that manufacturers periodically recertify CBI claims still needing protection.
4. **Authority to Request Data** - The EPA should have the authority to require manufacturers to document any claims for CBI protection regardless of when those claims are submitted. The CSIA proposal creates a division between data and information submitted before the adoption of the act and after. This proposal expressly removes EPA’s authority require documentation or re-documentation of claims submitted prior to the adoption of the act.

Preemption

The preemption provisions in the CSIA legislation are broad and sweeping. This makes it difficult to conduct a meaningful assessment of what is or is not preempted. Ecology is concerned that this language is open to a variety of judicial interpretations, which could have far reaching and unexpected consequences on areas of law never intended by the authors. Ecology has identified dozens of laws or regulations which could or would be preempted if this language were passed as written. It is likely that there are a similar number of laws and regulations, which could, or would be, preempted in other states.

For example, states are preempted from enforcing existing laws or requirements if the law places a prohibition or restriction on a chemical that has been subject to a safety determination when the prohibition or restriction is within the scope of this determination, requires the submittal of data that is likely to produce the same data as required by the EPA, or places a requirement for the notification of a new use for a chemical, where notice to EPA is also required.

The CSIA preempts states from establishing a new “prohibition or restriction on the manufacture, processing, distribution in commerce or use of a chemical” that has been prioritized as low priority or high priority by EPA.

While the CSIA provides for states to seek a waiver from EPA from the pre-emption requirements, Ecology, in consultation with the Office of the State Attorney General, has concluded that the proposed waiver provisions would be extremely difficult and costly to meet. It is highly unlikely that any state would likely attempt to seek a waiver under the current proposal, and if they did it is unlikely that it would be granted.

Chemical Alternatives Assessment

Chemical policy reform should shift chemical use from chemicals that possess a high intrinsic hazard to chemicals with lower hazard. In many cases there are equally effective and safer alternatives to hazardous chemicals. Manufacturers should be required to conduct safer chemicals alternative assessments as part of the safety assessment/determination process, prior to implementing any proposed risk control measures.

In instances where safer alternatives are available, for the intended use of a chemical, chemical policy should help shift uses towards these safer alternatives. When faced with the choice between implementing control measures to reduce exposure and reducing intrinsic hazard, Ecology has often found that the cheapest and most effective option is reducing hazard. Protection of public health and the environment requires identification and substitution of safer alternatives, irrespective of current known risks.

States Program Grants

Grant funding should be provided for state programs to reduce the use of and exposure to hazardous chemicals.

Ecology proposes amending section 28 – State Programs to read:

- (a) In general - For the purposes of complementing the actions taken by the administrator, under this act, the administrator shall make grants to states for the establishment, operation, and expansion of programs that support the goals of this act. The administrator shall make grants to programs:
 - (1) providing business with voluntary technical assistance to:
 - (A) eliminate or reduce the use of hazardous chemical substances;
 - (B) accelerate the adoption of safer alternatives to hazardous chemicals substances;
 - (C) encourage the use of alternative assessment as a tool for reducing risk; and
 - (D) promote and aid in the adoption of risk reduction measures
 - (2) facilitating collaboration, data, and information exchange among the administrator, states, and local governments regarding:
 - (A) chemical health and safety information;
 - (B) product information;
 - (C) safer alternatives; and
 - (D) education outreach
 - (3) recognizing business for leadership in reducing the use of hazardous chemical substances;

- (4) monitoring for the presence of chemicals in the environment, animals, or humans; and
- (5) coordinating, expanding, or enhancing green chemistry education at colleges, universities, and public schools;

Adequate funding for the purposes of making state grants will need to be authorized to be appropriated.

Regulation of PCB Waste and Residuals

TSCA Section 6 should be amended to provide for regulation of the management and disposal of polychlorinated biphenyl (PCB) waste and residuals under the appropriate provisions of RCRA and CERCLA. Currently, the management and disposal of PCB wastes and residuals are subject to overlapping regulation under three separate federal environmental statutes: TSCA, RCRA, and CERCLA. PCBs are identified as a hazardous constituent under RCRA and as a hazardous substance regulated under CERCLA. The existing regulatory authority under RCRA and CERCLA governing the management and disposal of hazardous and toxic wastes and residuals is broader in scope than the authority under TSCA. The coordination of management of PCB wastes and residuals under these overlapping authorities often requires substantial time and effort between the three regulatory programs, resulting in a redundant, cumbersome approval process that impedes the timely and efficient remediation of contaminated properties and management of PCB wastes and residuals.

Testimony of

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Senior Attorney
Natural Resources Defense Council

Before the
Committee on Environment and Public Works
United States Senate
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Hearing on
Strengthening Public Health Protections by Addressing
Toxic Chemical Threats

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Testimony of Daniel Rosenberg, Senior Attorney, Natural Resources Defense Council (NRDC)

Chairman Boxer, Ranking Member Vitter, members of the Committee, thank you for the opportunity to testify today on “Strengthening Public Health Protections by Addressing Toxic Chemical Threats.” My name is Daniel Rosenberg, and I am a senior attorney in NRDC’s Health and Environment program.

NRDC is a nonprofit organization of scientists, lawyers, and environmental specialists dedicated to protecting public health and the environment. Founded in 1970, NRDC has more than 1.3 million members and online activists nationwide, served from offices in New York, Washington, Los Angeles, San Francisco, Chicago and Beijing.

Today’s hearing provides the Committee another opportunity to grapple with the legacy of the decades-long failure to adequately regulate the use of toxic chemicals in everyday commercial and consumer products – chemicals to which we are regularly exposed in our homes, cars, and schools, in the workplace and the marketplace. The failure even to assess thousands of chemicals used in commerce, and regulate those determined to be unsafe has led to a situation that is unacceptable to most Americans. This failure has meant that babies are born with man-made chemicals already in their developing bodies; that there is no credible assurance that exposure to those chemicals – individually or in an ever expanding number of possible combinations – is safe; and that such exposure may be contributing to the disturbing rise in the incidence of numerous diseases and conditions, including several types of cancer, learning and developmental disabilities, fertility problems, birth defects, “age-related” illness, and asthma.

Over the past generation, scientists have gained a greater understanding of the potential health and environmental threats posed by exposure to toxic chemicals. Over the almost 37 years since enactment of the Toxic Substances Control Act (TSCA), science has raised many new concerns about the potential health effects of individual chemicals, as well as classes of chemicals. While scientific understanding has been increasing rapidly, TSCA has remained virtually dormant for existing chemicals and inadequate to assure the safety of new chemicals.

Since 1976, scientists have linked exposure to toxic chemicals to a wide array of health risks. Research increasingly indicates, for example that exposure to low doses of certain chemicals, particularly in the womb or during early childhood, can result in irreversible and life-long impacts on health. It is now commonly known that some toxic chemicals persist in the environment, sometimes for decades, and build up in the food chain and in our bodies. It is now well recognized that some chemicals are able to disturb human and other hormonal, reproductive, and immune systems and that chemicals interact so that substances that individually may be considered “safe” at low levels can act in concert to harm health.

It’s no wonder, then, that so many major independent health and science organizations have expressed concern and called for steps to better characterize and address the risks from chemical exposure.

The President's Cancer Panel -- appointed by President George W. Bush -- found that "the true burden of environmentally induced cancer has been grossly underestimated." The American Congress of Obstetricians and Gynecologists has said: "Today, we know that expert obstetrical care, from preconception to delivery, can only do so much to ensure healthy birth outcomes. Chemicals that affect fetal programming and placental stem cells, the point at which significant damage can occur, may lead to multi-generational health care issues across the lifespan." The Endocrine Society -- the largest professional association of the nation's endocrinologists has stated: "The evidence for adverse reproductive outcomes (infertility, cancers, malformations) from exposure to endocrine-disrupting chemicals is strong, and there is mounting evidence for effects on other endocrine systems, including thyroid, neuroendocrine, obesity and metabolism, and insulin and glucose homeostasis."

The known and potential health impacts of exposure to toxic chemicals are a concern for much of the public. The public wants -- and deserves -- a federal system for assessing chemicals that would quickly eliminate or reduce the use of those chemicals already known to be unsafe, and that would enable the Environmental Protection Agency (EPA) to obtain the information and data it needs to determine the safety of chemicals that have not yet been assessed. It is time to dig ourselves out of a hole almost forty years in the making, and also identify safe and effective substitutes for chemicals that are dangerous dinosaurs -- rewarding in the marketplace those innovators that produce safer products.

The most important step that this Committee and Congress can take to help solve the problem of our current broken system for regulating toxic chemicals is to pass strong, effective legislation to reform the Toxic Substances Control Act (TSCA).

The Committee has several chemical safety-related bills pending before it, including the Chemical Safety Improvement Act, (S.1009) which has received the most attention recently. The bill has fundamental flaws that must be addressed, but NRDC continues to be willing to work to improve it.

Key problems with the bill as currently drafted include:

No deadlines or minimum requirements -- The key to making any statute work is ensuring that it has enforceable deadlines. Yet S. 1009 imposes no statutory deadlines for assessing chemicals or making decisions on whether to regulate them. The bill's sponsors argue that, unlike TSCA, the measure directs EPA to assess chemicals. But without any mandatory and enforceable schedule, action can be delayed indefinitely, and no one will be able to compel the agency even to start evaluating a chemical. There is also nothing in the bill requiring EPA to take action on a minimum number of chemicals. Long experience has shown what happens in response to statutes with such gaps -- nothing. In addition, the bill appears to stop the current work of EPA pending the development of multiple new frameworks and criteria (discussed below). Most of the history of TSCA can be summed up in two words: "nothing happened." TSCA reform must be written to make sure that something actually happens.

Preemption of state authority -- In the absence of meaningful regulation of toxic substances, states have stepped-in to fill the vacuum, enacting and adopting a host of measures to inform and protect the public including restrictions on specific uses of certain chemicals and use reporting requirements. Coupled with activity to restrict the use and sale of unsafe chemicals in the retail sector, these state actions -- many of which have been adopted with strong bi-partisan support at the state and local level -- have benefited citizens nationwide as manufacturers have dropped some uses of chemicals to maintain

a uniform approach, information available to all citizens has expanded, and the overall use and release of substances that do not stay within state boundaries have been reduced.

The CSIA imposes limits on the ability of States to protect their citizens – limits that are in critical ways worse than current law. S. 1009 blocks states from taking new action on a chemical as soon as the Environmental Protection Agency (EPA) has listed the substance as a “high priority” and scheduled an assessment. This is especially damaging because years could elapse between the time EPA schedules an assessment and the time it conducts the assessment and decides whether to regulate. Numerous chemicals deemed “high priority” by EPA could be languishing on the schedule, which as noted above, would be unenforceable. The waiver provision of the bill is too narrow and onerous to mitigate the fundamental flaws in the preemption section of the bill.

The bill also would preempt existing state laws on high priority chemicals, once EPA has adopted a restriction on the substance, even if the State provision may be broader in scope and more protective of the public but not directly in conflict with the federal provision. A powerful example of the work that has been done at the state level – and which must be allowed to continue – is the widely successful effort to reduce the public’s exposure to mercury, including phasing out its use in a variety of commercial and consumer products.

The declining use of mercury in the manufacture of consumer and other products illustrates the important role states have assumed in protecting public health and the environment. As you know, mercury is a powerful neurotoxin, adversely affecting childhood development at low concentrations. The principal exposure route for most Americans is the consumption of fish. In 2010, 81% of all state-issued fish advisories were due to the presence of mercury, covering most states. Twenty-five states have statewide mercury advisories for all their fresh water lakes and rivers, and 16 states have statewide advisories for all their coastal waters.¹

This prevalence of mercury contamination throughout the country spurred states to reduce mercury releases arising from the life cycle of mercury-added products (manufacture through disposal). States within the New England and Great Lakes regions worked collaboratively to develop policy recommendations for the phase out of mercury product sales where alternatives are readily available.² Many states within these regions and other states as well, subsequently enacted legislation to phase out the sale of mercury in such products as thermometers, blood pressure cuffs, thermostats, switches and relays, and button cell batteries. At the present time, twelve states have comprehensive mercury product legislation (California, Louisiana, New York, Rhode Island, Vermont, Maine, Massachusetts, Connecticut, New Hampshire, Minnesota, Wisconsin, Illinois), while other states restrict sales of one or several of the products.³

¹ U.S. Environmental Protection Agency (EPA) National Listing of Fish Advisories General Fact Sheet: 2010 National Listing http://water.epa.gov/scitech/swguidance/fishshellfish/fishadvisories/general_factsheet_2010.cfm.

² <http://www.glrc.us/documents/MercuryPhaseDownStrategy06-19-2008.pdf>;
<http://www.newmoa.org/prevention/mercury/modelleg.cfm>.

³ <http://www.newmoa.org/prevention/mercury/imerc/guidance.cfm>.

These state laws produced dramatic results. In 2001, the amount of mercury in products sold in the USA was approximately 130 tons. State laws prompted mercury use reduction to almost half that amount by 2007,⁴ and to approximately 53.4 tons by 2010 (based on preliminary analyses of the 2010 data). The effect of the state laws extends beyond the 12 states, as major USA manufacturers of thermostats, batteries, and other products now produce only mercury free products instead of continuing to sell mercury products where still legally allowed.

It should also be noted that the information available on USA mercury product manufacture and imports is largely from the states. Fifteen states are now members of the Interstate Mercury Education and Reduction Clearinghouse (IMERC), where data from product manufacturers are collected every three years and systematically entered into a publicly accessible data base.⁵ Despite EPA's 2006 acknowledgement that a national data base covering mercury use in both products and processes is needed,⁶ TSCA has not yet been used to develop one.

In addition to the state activity, 140+ countries agreed on text for the Minamata Convention on Mercury earlier this year, which will require the global phase out of the production, sale, and trade of many of the same mercury products by 2020.⁷ Several of these products are medical devices (fever thermometers and blood pressure cuffs), and thus are exempt from TSCA.

To be clear, NRDC seeks federal action on mercury products to complete the national transition to mercury free alternatives. For this reason, NRDC supports the Mercury Use Reduction Action of 2012, S. 3697, introduced by Senator Whitehouse in the last session of Congress. The bill would phase out the manufacture and sale of those products already targeted by the states, and address several outstanding issues related to the implementation of the Mercury Export Ban Act of 2008. We look forward to the reintroduction of similar legislation in this session of the Congress and hope that it will receive broad bi-partisan support.

The mercury product experience over the last decade is instructive in two ways. First, there has been comparatively little federal leadership and action on phasing out the use of mercury in products, even where the path forward has ample precedent and is relatively non-controversial because industry is already far down the road. Second, state involvement can be critical, and expertise sometimes often resides in the states.

S. 1009 also preempts states from taking any new action on chemicals deemed "low priority" by EPA. This is extremely problematic because under the terms of the bill, EPA can designate hundreds or even thousands of chemicals as "low priority" simply because the agency lacks sufficient data on hazard or exposure. States cannot seek preemption waivers for "low priority" chemicals under the bill. In addition, the bill contains a mechanism that would allow Governors to overwhelm EPA with special "expedited" petitions to designate chemicals as "low priority" – creating additional pressure on the

⁴ http://www.newmoa.org/prevention/mercury/conferences/sciandpolicy/presentations/Wienert_Session3B.pdf.

⁵ <http://www.newmoa.org/prevention/mercury/imerc.cfm>.

⁶ <http://www.epa.gov/mercury/archive/roadmap/index.html>, p. 38.

⁷ http://www.unep.org/hazardoussubstances/Portals/9/Mercury/Documents/INC5/5_7_e_annex_advance.pdf.

See particularly Article 4 and Annex A.

agency when it will already be overburdened and under-resourced. Rather than ensuring that chemicals are safe for use in commerce the preemption of State action on chemicals deemed “low priority” by EPA, coupled with the other provisions in the bill, virtually ensure that hundreds or thousands of substances will simply be swept down the memory hole. The bill must have a mechanism to address potential concerns regarding chemicals for which EPA has not taken – and may never take – action, and particularly so if EPA’s deferral need not be based on a sufficient examination of data and information about the chemical.

The preemption section of the bill contains numerous other provisions that either make no sense or are just bad policy. For example, it would prevent states even from adopting protections *identical to* federal law, limiting those states’ ability to “co-enforce” the federal restrictions or requirements under State law. The bill could preempt state labeling laws – most notably Proposition 65 – if they are deemed to be restrictions on “distribution in commerce.” And the bill contains provisions that could pre-empt state court decisions and interfere with the current balance between plaintiffs and defendants in state tort actions.

It is my understanding that a number of other witnesses will be testifying at this hearing, including representatives of States who will likely have other concerns and additional analysis of the preemption provisions of S.1009 as well as other examples of its potential effects on current and future health and informational protections. Suffice to say that my brief summary above is not exhaustive.

Certainly it is neither tenable nor preferable for the entire burden of regulating chemicals in the marketplace to continue to fall on the states, which simply do not have the resources to do the job on their own. That is why a strong federal system for prioritizing , assessing and regulating chemicals is needed. However, there is no justification and no good policy purpose for adopting sweeping preemption legislation that would overturn an array of actions taken in states, directly and indirectly affecting chemicals, or preventing states from continuing to take steps to protect the public, unless they directly conflict with federal actions. States are just beginning to absorb the preemption provisions of the CSIA and determine how their state and local laws might be affected. The Committee should carefully consider and consult with States regarding the implications of any preemption provision.

Unprotective safety standard – The bill relies on the current standard in TSCA for determining whether a chemical is safe to use as intended. While the bill’s intent appears to be to drop cost in determining risk, the current language is not sufficiently clear to definitively accomplish that. Moreover, the standard of unreasonable risk should be made more protective. S. 1009 fails to define “vulnerable populations” and require that they be protected as part of the definition of the safety standard, or as part of a safety determination. The bill also fails to require EPA to consider aggregate exposure to multiple sources of chemicals, and does not account for ongoing exposure to legacy chemicals.

In addition, although the “least burdensome” requirement is deleted under S.1009, it appears that the same requirement is still incorporated in the bill for bans or phase-outs of substances, only without the two lightning rod words. It is unlikely that under the bill EPA would be able to make a decision to ban

or phaseout the use of a chemical any faster – or have it any more likely to be upheld under judicial review – than under the terms of the current law.

Assessment methodology – The bill’s technical language on how chemicals should be prioritized and assessed is cumbersome and it does not direct EPA to follow the assessment methods that have been recommended by the National Academy of Sciences, or even define “best available science” to include recommendations from the NAS. S.1009 – particularly in sections 4, 6 and 8, requires EPA to develop an elaborate structure of frameworks, criteria, guidances, processes and methodologies, many of which are overlapping, and most of which must be put in place before EPA can even begin prioritizing chemicals, let alone conducting safety assessments and determinations. For EPA to prioritize and assess chemicals it would be required to establish *five separate* “frameworks.” In addition to developing the five frameworks, before any prioritization and assessment can begin, EPA must:

- promulgate two sets of rules, which are subject to notice and comment;
- develop two sets of guidance documents, also subject to notice and comment;
- establish a risk-based screening process for prioritizing existing chemical substances, which is also subject to notice and comment; and
- develop a science-based methodology for conducting safety assessments, which is also subject to notice and comment and scientific peer review.

It is not clear how the frameworks relate to some of the rules, processes and methodologies. For example, before EPA can prioritize a chemical, it must develop not only a framework for prioritization, but also a risk-based screening process for prioritizing chemicals; the difference between these two is not clear.

Complying with all of these requirements, and subjecting the multiple rules and guidances to notice and comment (and in one case also scientific peer review) could tie EPA’s hands for years before it can even begin the business of prioritizing chemicals and conducting safety assessments⁸. EPA’s hands have been almost entirely tied for the entire 36 years of TSCA. NRDC reform should not increase the red tape EPA is bound by and further delay action already underway at EPA.

What’s Missing – In addition to the many problems with the substance of the introduced legislation – and the above list is not exhaustive -- is the problem of those provisions that are missing. These include any provision directing EPA to address the problem of communities heavily polluted by “legacy” chemicals. Objections that such a provision cannot be considered because it is “not within the structure of current TSCA” make little sense. In the first place, Congress decides what is and isn’t part of any law, and it can and has expanded and contracted the scope of many laws as it deems necessary. Second, TSCA itself has had several additional Titles added since it was initially enacted, to account for problems not addressed in the original bill – including Asbestos Hazard Emergency Response (Title II), Indoor Radon Abatement (Title III), and Lead Exposure Reduction (Title IV). Finally, there is significant precedent for Congress adding provisions to legislation outside its “natural scope” which at a minimum illustrates the ability of Congress to legislate outside the box when it wants to.

⁸ This section draws from an analysis by Eve Gartner of Earthjustice.

Nor does the bill contain any mechanism for EPA to take expedited action to address chemicals we already know are unsafe, including asbestos, and other PBTs, including toxic flame retardants. The single significant success of TSCA was the phase out of production and use of poly chlorinated biphenyls (PCBs) in the original law. The most prominent failure of TSCA has been the inability of EPA to ban most uses of asbestos, despite its well-known deadly health effects. 50 other countries have adopted a ban on asbestos. Meaningful TSCA reform should correct this clear failure under current law. And TSCA reform needs to provide EPA the ability, and the mandate, to address other instances of widespread contamination by known unsafe chemicals – particularly including persistent, bioaccumulative toxins (PBTs) via expedited action.

There are some other areas of the bill, such as where EPA is granted order authority to obtain information and require testing of chemicals that are step in the right direction but where the precise wording in the bill remains problematic. The Chemical Safety Improvement Act is a potentially viable legislative vehicle for advancing meaningful TSCA reform if its fundamental flaws are addressed. NRDC supports working on the bill to address its problematic provisions with the goal of developing a vehicle that can merit the support of a broad set of stakeholders (including NRDC). We welcome the opportunity to work with Committee members and their staff on this important effort to strengthen protections from toxic chemicals and successfully reform TSCA.

The Strengthening Protections for Children and Communities from Disease Clusters Act (S.50) and The Community Disease Cluster Act (S. 53) – TSCA is intended to address the potential for exposure to unsafe chemicals through the entire lifecycle of the chemical, from production to disposal. One legacy of careless production, use, and disposal practices of chemicals over many decades are the heavily polluted hazardous waste sites around the country, the worst of which are covered under the Superfund program. A less understood but still-pervasive concern for communities across the country are disease clusters, some tied to community exposure to toxic substances – and others of unknown origin. Senators Boxer and Crapo have introduced two pieces of legislation, The Strengthening Protections for Children and Communities from Disease Clusters Act (S.50) and The Community Disease Cluster Act (S. 53) to address this issue.

This Committee held a hearing on the problem of disease clusters in May, 2011. My former NRDC colleague Dr. Gina Solomon testified at the hearing. Here is an excerpt from Dr. Solomon’s testimony:

“Although it is difficult to conclusively prove what caused any specific disease cluster, we can gather invaluable clues and hints from these tragic events. The Woburn cluster, for example, provided a key clue linking trichloroethylene (TCE) with cancer in humans – something that has since been confirmed in multiple studies. The cluster in Fallon, Nevada also provided important scientific clues. Biological sampling in Fallon revealed community-wide exposure to tungsten with almost 80% of the participants having urinary tungsten levels above the 90th percentile in the National Health and Nutrition Examination Survey (NHANES), and the median tungsten levels were almost 10-fold higher than the 1999 NHANES median level for tungsten. Tungsten was not previously thought to be carcinogenic, but had never been adequately studied. This same metal subsequently showed up at elevated levels in Sierra Vista, Arizona, another

community affected by a childhood leukemia cluster. This tungsten is now undergoing testing by the National Toxicology Program to better understand its potential health effects.⁹ Other disease clusters have revealed the cancer-causing properties of asbestos, the profound peripheral neuropathy caused by exposure to n-hexane, the complete wipe-out of sperm production from the pesticide DBCP (dibromochloropropane), and the liver cancers caused by vinyl chloride. All of these chemicals are now well-known to be human health hazards, and one of them – the pesticide DBCP – has been banned. The other chemicals, which fall under the purview of the Toxic Substances Control Act (TSCA), are still in widespread use today.

There is good reason to believe that only a small fraction of the links between the environment and disease has been revealed to date. Although there has been much focus on the genetic causes of disease, the scientific consensus has shifted to the position that most diseases are primarily caused by a combination of genetic and environmental factors. For example, a study of nearly 45,000 twins published in the *New England Journal of Medicine* evaluated the relative importance of genetic and environmental factors in cancer.¹⁰ If the cancers were primarily genetic, identical twins (which share the same genome) would have more similar cancer patterns than fraternal twins (which only share the genetics of any siblings). The bottom line of this important study was that the vast majority of cancers are environmental rather than genetic. Statistically significant genetic effects were only seen for three cancers -- prostate, colorectal, and breast. In the case of breast cancer, less than one-third of the risk was due to inherited factors (potential range 4-41%); that means that about 70% of the remaining risk of breast cancer is due to environmental factors. For other cancers, the environmental component was even larger. The same principle is true for most other diseases, where environment is turning out to be more important than genetics.”

Due to a lack of resources, the limited statistical power in doing investigations of small communities or rare diseases, and a lack of knowledge about exposures, it is difficult for state and federal agencies to shed light on most disease clusters and their causes. People living in neighborhoods and communities that may be disease clusters are often lacking in technical and scientific resources to help them obtain the answers they need. Senators Boxer and Crapo have introduced two pieces of legislation to help assist people in communities with disease clusters. The Strengthening Protections for Children and Communities from Disease Clusters Act (S.50) would direct and fund federal agencies to swiftly assist state and local officials, and investigate community concerns about potential disease clusters and their causes and to create guidelines for a systematic and integrated approach to investigating disease clusters; improve coordination between various agencies at the federal, state, and local level; and support local advisory committees that can help improve the outreach to and involvement of

⁹ National Institute of Environmental Health Sciences. Tungsten and Selected Tungsten Compounds: Review of Toxicological Literature. Research Triangle Park, NC, 2003.

http://ntp.niehs.nih.gov/ntp/htdocs/Chem_Background/ExSumPdf/tungsten.pdf

¹⁰ Lichtenstein P, Holm NV, Verkasalo PK, Iliadou A, Kaprio J, Koskenvuo M, Pukkala E, Skytthe A, Hemminki K. Environmental and heritable factors in the causation of cancer--analyses of cohorts of twins from Sweden, Denmark, and Finland. *N Engl J Med.* 2000 Jul 13;343(2):78-85.

community members. The Community Disease Cluster Act (S. 53) would authorize EPA, in conjunction with the Department of Health and Human Services, to provide grants to communities to help pay for technical assistance. This bill would give communities in need a very modest level of support as they work through the process of addressing a reported disease cluster, including mitigation efforts. NRDC supports both of these bills.

Summary and Conclusion – The failure of Congress over many years to take necessary action to protect the public from exposure to unsafe chemicals, and ensure a federal program is in place that will effectively review the safety of chemicals in commerce should be of deep concern to every member of the Committee. TSCA reform is long-overdue, and should be at the top of the Committee’s agenda. But the Committee should take the time needed to report a bill that will truly improve chemical safety. Any legislation to reform TSCA must ensure that EPA will be able to protect the public by taking timely action to reduce or eliminate exposure to unsafe chemicals, and obtain the information it needs, to make informed assessments of the safety of new and existing chemicals, while recognizing the innovation and leadership of the states is preserved.

We look forward to working with every member of the Committee to on legislation that earns and merits strong support from a broad array of members and stakeholders.

Thank you again for the opportunity to testify before the Committee.

TESTIMONY OF

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Joe R. and Teresa Lozano Long Endowed Chair in Administrative Law
University of Texas School of Law

on

Strengthening Public Health Protections by
Addressing Toxic Chemical Threats

United States Senate
Committee on Environment and Public Works

July 31, 2013

My name is Tom McGarity. I hold the Joe R. and Teresa Lozano Long Endowed Chair in Administrative Law at the University of Texas School of Law, where I teach courses in Torts and Environmental Law. I am also a member of the Board and immediate past president of the Center for Progressive Reform. I have written several law review articles on federal regulation of toxic substances. In 2008, I published a book entitled *The Preemption War: When Federal Bureaucracies Trump Local Juries*, in which I explore issues involving federal preemption of state common law claims. In that same year, I published, with my co-author and colleague Wendy Wagner, *Bending Science: How Special Interests Corrupt Public Health Research*, in which we explore many issues involving the regulation of toxic substances. I am very pleased to be here to testify on the topic of federal regulation of toxic substances and changes to the Toxic Substances Control Act. Please note that I am expressing my own views and not necessarily those of the University of Texas or the Center for Progressive Reform.

Introduction.

The Toxic Substances Control Act (TSCA) is a broken statute, but S. 1009 is not going to fix TSCA. In fact, it will almost surely make a bad situation worse.

S. 1009 appears to provide a systematic mechanism for prioritizing and evaluating the tens of thousands of grandfathered chemicals that have not been adequately tested to determine the risks, if any, that they pose to human health and the environment. But appearances can be deceiving. The numerous and rather ill-defined procedural and analytical steps that the EPA must take prior to requiring companies to begin testing their chemicals, combined with EPA's perennial lack of resources and the absence of any enforceable deadlines, ensure that we will not see any testing results for high priority chemicals for many years or even decades.

The Bill does not change the tests for requiring additional testing and for taking regulatory action to protect the public and the environment in any significant way. As a result, EPA will face the same daunting difficulties in demonstrating to reviewing courts that testing or other regulatory action is necessary. At the same time, the Bill fails to change the standard of judicial review from "substantial evidence" to the "arbitrary and capricious" standard that Congress generally prescribes for judicial review of informal rulemaking, thereby ensuring that reviewing courts will continue to review TSCA rules more stringently than most federal regulations.

Although the preemption section of the current law has been working well for thirty-five years, S. 1009 changes that section to preempt state data production requirements that are likely to produce the same information as an EPA data production rule, a prohibition or restriction on a subject for which EPA has completed a safety determination, or a significant new use notification requirement for a chemical for which EPA has prescribed such a requirement. The current law allows a state to prohibit the sale of a chemical without regard to any EPA regulation governing that chemical. The Bill will

unnecessarily force states to allow the production, processing and distribution of chemicals that state agencies have deemed to be too dangerous.

Finally, a highly unusual provision in S. 1009 will require state courts to admit EPA safety determinations as evidence in both civil and criminal trials and preclude state judges and juries from concluding that a chemical declared to be safe by EPA is unsafe for purposes of imposing liability on manufacturers, processors and distributors of the relevant chemical. This provision is simply a gift of partial immunity to companies that are fortunate enough to have their chemicals declared safe by EPA in proceedings in which potential victims are not likely to be represented.

The Toxic Substances Control Act: A Failed Statute.

When Congress enacted the Toxic Substances Control Act of 1976 (TSCA), I was a young attorney in the Environmental Protection Agency's Office of General Counsel in the division that was responsible for implementing that brand new statute. Although it took five years for the final version to emerge from Congress, most observers agreed at the time that the statute would for the first time allow the federal government to protect American citizens from the serious risks posed by potentially toxic substances in the environment.

TSCA was supposed to fill in the considerable jurisdictional gaps left by the topical statutes like the Clean Air Act, the Clean Water Act, the Resource Conservation and Recovery Act, and the Federal Insecticide, Fungicide and Rodenticide Act. The hope was that EPA would in short order require companies to test the thousands of chemicals for which rudimentary toxicity studies were lacking and would require manufacturers, processors and distributors of risky toxic chemicals to use proper warnings, to limit human exposure to those chemicals, and, in some cases, to take dangerous chemicals off the market altogether.

Thirty-five years later, it has become painfully apparent that, with some modest exceptions, TSCA is a failed statute.

TSCA requires manufacturers of new chemicals to notify EPA of their intent to introduce their products into commerce.¹ This notification aspect of the statute has worked reasonably well over the years, though the process has not always been as transparent as Congress originally envisioned.

TSCA also empowers EPA to promulgate rules requiring the manufacturer to test an existing chemical if EPA can demonstrate that insufficient information is available to evaluate its safety and that human beings or the environment are heavily exposed to the

¹ 15 U.S.C. § 2604

chemical or that the chemical is likely to be toxic.² The problem with this “selective interdiction” program is that it places the burden on EPA to justify a testing requirement. Given the toxic substances program’s perennial lack of resources, this requirement has effectively driven TSCA’s testing function underground as EPA and manufacturers negotiate testing agreements outside of the public rulemaking process envisioned by Section 4 of the statute. More important, only a very few chemicals to which the public and the environment are routinely exposed (sometimes at high levels) have been the object of TSCA’s testing requirements. Consequently, thousands of “grandfathered” chemicals have not undergone the full range of testing necessary to determine whether they are safe for human beings and the environment.

TSCA’s greatest disappointment, though, is EPA’s inability to take effective action under section 6 to ban, label, or otherwise limit exposure to existing toxic substances. Section 6 provides that when EPA finds that the manufacture, processing, distribution, use or disposal of a chemical substance presents an “unreasonable risk of injury to health or the environment,” it must issue a rule applying “one or more” of eight requirements “to the extent necessary to protect adequately against such risk, using the least burdensome requirements.”³ When EPA, in an early test of its rulemaking powers under section 6, promulgated a rule providing for a gradual phase-out of the manufacture, processing and distribution of asbestos for most domestic uses, the Fifth Circuit Court of Appeals set the rule aside in an opinion that made it abundantly clear that EPA would be hard-pressed to take effective action to protect the public health and the environment under section 6 in the future.

Based on the expertise of its own scientists and an EPA-appointed panel of experts that examined more than one hundred toxicological studies, the agency had concluded that “asbestos is a highly potent carcinogen” and that “severe health effects occur after even short-term, high-level or longer-term, low-level exposures to asbestos.”⁴ Relying upon numerous exposure studies the agency concluded that “[r]elease of asbestos fibers from many products during life cycle activities can be substantial” and that “[p]eople are frequently unknowingly exposed to asbestos and are rarely in a position to protect themselves.”⁵ In electing to ban most uses of asbestos, EPA recognized that it was adopting a very burdensome requirement from the perspective of the regulated industry, but it also concluded that this was the only alternative that would protect adequately against the risks posed by human exposure to asbestos. To ease the burden, the rule provided a vehicle through which persons interested in the continued manufacture and use of particular asbestos-containing products could obtain exemptions from the ban.⁶

² 15 U.S.C. § 2603.

³ 15 U.S.C. § 2605(a).

⁴ 54 Fed. Reg. 29,460 (1989).

⁵ Id.

⁶ Id.

The Fifth Circuit Court of Appeals, in *Corrosion Proof Fittings v. EPA*⁷, remanded the rule to EPA in part because of flaws that it found in "the manner in which the EPA conducted some of its analysis."⁸ The court held that before EPA may ban a chemical under TSCA it must first analyze the costs and benefits of all less burdensome alternatives:

Upon an initial showing of product danger, the proper course for the EPA to follow is to consider each regulatory option, beginning with the least burdensome, and the costs and benefits of regulation under each option. The EPA cannot simply skip several rungs, as it did in this case, for in doing so, it may skip a less-burdensome alternative mandated by TSCA.⁹

Later in the opinion, the court made it clear that this analysis was to include an assessment of the risks of possible substitute products and a comparison of those risks to the risks posed by existing asbestos-laden products.¹⁰

The statute, as interpreted by the court, sends EPA on a potentially endless analytical crusade in search of the holy grail of *the* least burdensome alternative that still protects adequately against unreasonable risk. The agency can, of course, avoid the analytical nightmare by adopting options that are sufficiently inoffensive to the regulated industry to avoid legal challenge or by giving up the quest altogether. The agency has adopted the latter option. EPA has not initiated a single action under section 6 of TSCA since the *Corrosion Proof Fittings* case was decided, and it is not likely to use section 6 to impose requirements that regulatees oppose until it is amended.

One reason for the court's willingness to substitute its judgment for that of the agency was the odd standard of review that TSCA provides for rulemaking. Although the standard of review in the Administrative Procedure Act (APA) for informal rulemaking is the familiar "arbitrary and capricious" test under which the courts are supposed to defer to the agencies' exercise of expert judgment, section 19 of TSCA provides that the reviewing court shall set aside a rule promulgated under that statute if it is not supported by "substantial evidence in the rulemaking record."¹¹ This test, which the APA reserves for formal adjudications and formal rulemakings, has been construed by some courts to provide for more stringent judicial review than the arbitrary and capricious test. The court in *Corrosion Proof Fittings* made explicit reference to this point in overturning EPA's asbestos rule.¹²

⁷ 947 F.2d 1201 (5th Cir. 1991).

⁸ 947 F.2d at 1216.

⁹ 947 F.2d at 1217.

¹⁰ 947 F.2d at 1221.

¹¹ 15 U.S.C. § 2618.

¹² 947 F.2d at 1213.

One provision in the original statute that is clearly *not* broken is section 18, the statute's preemption clause.¹³ That section provides that, with certain exceptions, the courts are not to interpret the statute to "affect the authority of any State to establish or continue in effect regulation of any chemical substance, mixture, or article containing a chemical substance or mixture."¹⁴ The exceptions are for state testing requirements for a chemical after EPA has promulgated a testing rule for the same chemical and state regulations other than outright bans that differ from rules promulgated under sections 5 and 6. Under this relatively straightforward preemption provision, the states and the federal government have effectively stayed out of each other's way for thirty-five years with very little, if any, controversy.

S. 1009 is an attempt to fix some of the problems that have plagued TSCA implementation for the past three decades. As such, the bill recognizes the need for a more systematic approach to testing and evaluating existing chemicals, and it appears to provide a comprehensive mechanism for determining whether additional testing should be required for chemicals to which EPA assigns a "high priority" status. But the numerous and prescriptive requirements that the Bill would impose on EPA before it gets down to actually regulating chemicals ensure that it will be years, or even decades, before the agency begins to see any real progress.

The Bill does nothing to change the threshold, which, according to the court in *Corrosion Proof Fittings*, requires EPA to conduct a detailed analysis of the costs and benefits of all of the regulatory alternatives. It does eliminate the "least burdensome" limitation on EPA's choice of actions to take with respect to a chemical that crosses the "unreasonable risk" safety threshold. But, given the court's interpretation of the "unreasonable risk" threshold, the elimination of that limitation will do little to ease the burden that the statute puts on the agency to justify regulatory action, especially when the environmentally preferable action is to ban or phase out the relevant chemical.

Finally, S. 1009 would replace the current preemption provision with a new federal preemption regime under which existing state regulations would be preempted in some cases by the mere fact that EPA considered the relevant chemical to have a high priority for additional testing. Worse, the bill contains a provision that will make it extremely difficult for local juries to hold manufacturers, processors, and distributors liable for damages caused by their chemicals if EPA has previously determined that the chemical meets its test for safety.

I elaborate on each of these observations in more detail below.

Grandfathered Chemicals.

¹³ 15 U.S.C. § 2617.

¹⁴ 15 U.S.C. § 2617(a).

S. 1009 recognizes that thousands of chemicals will never receive adequate toxicity testing if EPA must meet the burden of demonstrating the need for testing in advance. The best way to ensure that new and existing chemicals get tested is to put the burden on the manufacturer to test prior to putting the chemical on the market and to require manufacturers of existing chemicals to test their products by a statutorily predetermined deadline.

The Bill does place the burden on manufacturers to test “high priority” chemicals for which EPA, by rule or order, requires additional testing. But it accomplishes this improvement through a convoluted process that requires the agency: to develop a “chemical assessment framework” for collecting and analyzing existing information on chemicals; to promulgate criteria for evaluating the quality of individual studies; to identify those studies that do and do not meet the criteria; to explain how the agency used information that does not meet the criteria and indicate the scientific limitations in that information; to develop a “structured evaluative framework” for deciding what action to take with respect to chemicals; to come up with a risk-based screening process (within one year of the date of enactment) for identifying “high priority” and “low priority” “active” chemicals; to prioritize existing chemicals under this screening process (making “every effort” to complete the prioritization of all “active” substances in “a timely manner”); to determine an order for performing safety assessments on all high priority chemicals; and to publish and maintain a list of high priority and low priority chemicals. Except for the one-year deadline for coming up with the screening process, the statute does not impose any definite deadlines for accomplishing these tasks. Instead, the agency is to “make every effort” to complete the prioritization of all active chemicals “in a timely manner.”

Much of this work will require the agency to engage in notice-and-comment rulemaking, a process that has become laden with resource-draining and time-consuming analytical and procedural hurdles. For example, in grouping chemicals into the “high priority” and “low priority” categories, the Bill requires the agency to take public comment on an initial list of chemicals and proposed prioritization outcomes before publishing the final prioritization list. The Bill even requires EPA to go through the notice-and-comment process in issuing generally applicable guidance documents to aid manufacturers and distributors in implementing the Bill’s rather complex requirements.

Mercifully, the Bill declares that the prioritization process does not constitute final agency action and is not itself subject to judicial review. But this will not prevent regulatees from challenging the prioritization in connection with an testing rule or other regulatory requirement long after EPA has completed the prioritization exercise. For example, a company might claim that a rule requiring it to test a chemical it manufactures should be set aside because EPA’s characterization of the chemical as “high priority” was not supported by substantial evidence.

Only after the initial prioritization has been accomplished does S. 1009 require EPA to determine whether additional testing data are needed to perform safety assessments. In making that determination, the Bill requires the agency to publish a rule, a consent

decree, or an order identifying the relevant chemical, identifying the entity required to undertake the testing, specifying procedures for developing the data, and setting a time limit (not to be of an “unreasonable duration”) for the completion of the required studies. The rule must be accompanied by a statement identifying the need that the requirement is intended to meet, explaining why existing data are inadequate, and encouraging to the extent possible non-animal testing in complying with the rule. If the agency decides to proceed by order, it must show good cause for not undertaking the considerably lengthier rulemaking process. Surprisingly, the Bill does not address the consequences of a company’s failure to complete the studies within the specified time limit. Presumably, the agency will simply give the testing entity more time to complete the required studies.

The requirements for the chemical assessment framework are also quite burdensome. For example, S. 1009 would require EPA to determine “for both cancer and non-cancer endpoints, whether available data support or do not support the identification of threshold doses . . . below which no adverse effects can be expected to occur.” This appears to be an attempt to require EPA to go through the exercise of explaining why the uncertainties inherent in carcinogen risk assessment preclude the determination of a definitive no adverse effects level for each chemical that EPA evaluates. Although the day may come when scientists can make more definitive statements about the effects of low-dose exposures to carcinogens, it seems unwise to require EPA to determine whether that day has arrived in the context of each chemical that it evaluates.

S. 1009 requires EPA to conduct a safety assessment for every high priority substance, to make a safety determination based on the safety assessment, and to establish appropriate risk management requirements for those high priority substances that do not meet the safety test. The agency must develop an “appropriate science-based methodology” for conducting safety assessments that meets several statutory specifications.

EPA is required to establish a schedule for completion of safety assessments and procedural rules for the safety assessment determination in accordance with criteria specified in the Bill. The schedule must specify deadlines for the completion of each assessment and determination. The Bill does not, however, place any outside limit on the length of time that EPA gives itself to complete the safety assessments; nor does it specify the consequences of failing to adhere to the deadlines.

In conducting the safety assessments, EPA is required to “use the best available science.” After going to great lengths in section 4(c) to make it clear that EPA may employ a flexible “weight of the evidence” approach in evaluating the quality of the available information for purposes of the required risk-based screening process, when it comes to the critical evaluation of available scientific information for the purpose of deciding what regulatory action to take with respect to individual chemicals, the Bill limits the agency to the “best available” scientific evidence. The term “best available science” is defined in section 3(2) to mean science that: maximizes the quality, objectivity, and integrity of information; “uses peer-reviewed and publically available” data; and “clearly documents and communicates risks and uncertainties in the scientific basis for decisions.” While these are all highly desirable characteristics of scientific information, it is probably

unwise to make critical regulatory determinations depend on the use of the “best available science,” so defined. For example, an attorney for a chemical manufacturer might well challenge an EPA determination with respect to its chemical on the ground that the agency relied on one or more studies that were not published in a peer-reviewed journal.¹⁵ This is the sort of inflexible statutory mandate that makes attorneys for regulatees lick their lips in anticipation of future judicial challenges.

Finally, the agency must determine whether the chemical meets the new safety standard. Curiously, the Bill requires EPA to consider the “weight of the evidence of risk” posed by the chemical, but it also requires EPA to use the “best available science” in making the safety determination. Under the “weight of the evidence” approach, decisionmakers consider all relevant studies and give them greater or lesser weight in the decision, depending on the quality of the studies. Some of the studies may not represent the best science that is available, but the agency considers them for what relevant information they do contain. If this Bill is enacted, the courts will have to clarify this apparent inconsistency.

For chemicals that do not meet the safety standard, the agency must promulgate a rule establishing the “necessary restrictions,” choosing from among a list that fairly closely tracks the list of regulatory alternatives in the current statute. In accomplishing this task, the agency must “consider and publish a statement” on: the availability of technically feasible alternatives; the comparative risks posed by the alternatives; the economic and social costs and benefits of the proposed regulatory actions and alternative approaches; and the economic and social benefits of the chemical, alternatives to the chemical, and restrictions on the chemical or alternatives. All of the analytical operations that the statute requires in making the safety determination and risk management prescriptions are subject to judicial review under the statute’s “substantial evidence” test.

One fundamental, but perhaps unavoidable problem with the Bill is that it imposes a large number of very burdensome new obligations on an agency that is currently struggling to keep up with its existing statutory duties. I recognize that this committee is not responsible for EPA’s appropriations, but it should be sensitive to the realities of the appropriations process in these days of budget cuts and sequestrations when it imposes highly prescriptive obligations on the agency to set up new programs and procedures. In deciding whether to force the agency through more procedural and analytical hoops, the committee should bear in mind the limited resources that are likely to be available to the agency, at least in the near term.

Another fundamental problem with the “chemical assessment framework” that the Bill envisions is the lack of judicially enforceable deadlines. The only definitive deadline in the provisions of the Bill prescribing the chemical assessment framework is the requirement that EPA promulgate a risk-based screening process within one year of the

¹⁵ Since much of the information that EPA receives from industry and other sources to establish the safety of their chemicals is not published in peer-reviewed journals, judicial acceptance of this position could cripple the agency’s efforts.

statute's enactment. Otherwise, the Bill requires the agency to act "in a timely manner" and to avoid establishing time limits for completion of testing requirements that are of "unreasonable duration." The Bill does not define either term, both of which are, without further statutory guidance, highly discretionary in nature. Nor does the Bill address the consequences, if any, of failure to act in a timely manner or to complete studies within time limits of reasonable duration. In the absence of statutory deadlines or adverse consequences to give the industry an incentive to move expeditiously and to press EPA to complete its tasks in a timely fashion, the agency will direct its very limited resources to those programs for which it faces deadlines or strong pressure to act expeditiously.

When faced with the very similar problem of pesticide tolerances that had not been evaluated under modern toxicological protocols, Congress in the Food Quality Protection Act of 1996 required EPA to divide all existing tolerances into three groups, and it established specific deadlines for accomplishing the required re-evaluations.¹⁶ The deadlines are backed up by the threat of "action forcing" citizen suits against the agency for failing to meet them. The Committee should consider putting into place a similar deadline regime with respect to existing chemicals that have not been sufficiently tested under the failed TSCA testing program. And the consequences of failing to adhere to the deadlines should be sufficiently severe to induce EPA and regulatees to do their best to adhere to the deadlines.

Overly Risky Safety Test.

S. 1009 requires EPA to determine whether a high hazard chemical meets the Bill's safety standard. Only if the chemical fails to meet the safety standard may the agency require the manufacturer to take action to protect public health and the environment. Thus, whether the Bill represents an improvement over the current law depends in large part on the content of the safety standard. Unfortunately, it seems reasonably clear that the Bill's safety standard represents no improvement at all over the standard in the current statute for taking regulatory action.

The term "safety standard" is defined in section 3(16) as "a standard that ensures that no unreasonable risk of harm to human health or the environment will result from exposure to a chemical substance." This is virtually indistinguishable from the "unreasonable risk of injury to health or the environment" standard that the current statute employs. The "unreasonable risk" standard has been interpreted by many courts, including the court in *Corrosion Proof Fittings*, to require the agency to balance the benefits of the chemical against the risks that it poses to human health and the environment in determining what regulatory action to take.

The Bill does delete the requirement that EPA select the "least burdensome" regulatory requirement in making its risk management determination, and this should make it easier

¹⁶ Food Quality Protection Act, Pub. L. No. 104-170, sec. 405, § 408(q).

for the agency to promulgate protective regulations. But that requirement is not the primary reason that EPA has been unable to regulate toxic substances under section 6. The most debilitating aspect of section 6, as interpreted by the court in *Corrosion Proof Fittings*, is the requirement that EPA engage in an extensive analysis of the costs and benefits of the regulatory alternative that the agency selects as well as all of the other alternative regulatory approaches identified in the statute. The Bill clearly requires EPA to engage in the very same debilitating analysis of the costs and benefits of a set of alternatives that closely resembles the alternatives identified in the current law. Not surprisingly, EPA has been extremely reluctant to engage in this never ending exercise in the wake of *Corrosion Proof Fittings*, and it will no doubt be equally reluctant to engage in such an exercise under the regulatory regime established in the Bill.

Beyond the analytical difficulties of applying the risk-benefit standard in the real world, the standard itself is insufficiently protective of human health and the environment. Even if EPA had infinite resources to devote to the analytical exercise, the risk-benefit test is inherently biased against protective regulatory action. Although this is not the place for an extended discussion of the infirmities of risk-benefit analysis, suffice it to say that the benefits of a chemical that is already in use are typically obvious and easily exaggerated, while the risks that the chemical poses to health and the environment are often clouded by uncertainty and easily belittled or ignored (especially in the case of environmental risks).¹⁷

History teaches that sometimes a ban or phase-out is by far the most effective way to reduce the risks that toxic chemicals pose to human health and the environment. The phase-down of lead in gasoline and the phase-out of the pesticide mirex are two examples of situations in which society benefited greatly from forceful action that, in retrospect, had very few, if any, negative effects on the economy.¹⁸

Reacting to EPA's failed pesticide tolerance setting program in 1996, Congress, in the Food Quality Protection Act (FQPA) adopted a more protective standard than the risk-benefit test for establishing pesticide tolerances. FQPA provides that EPA "may establish or leave in effect a tolerance for a pesticide chemical residue in or on a food only if the Administrator determines that the tolerance is safe," and it goes on to define "safe" to mean "that there is a *reasonable certainty that no harm* will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary

¹⁷ For an extended discussion of the practical and theoretical difficulties and biases inherent in cost-benefit analysis, see Thomas O. McGarity, Sidney A. Shapiro & David Bollier, *Sophisticated Sabotage* (Environmental Law Institute 2004).

¹⁸ See Thomas O. McGarity, *Radical Technology-Forcing in Environmental Regulation*, 27 *Loyola of L.A. L. Rev.* 943 (1994).

exposures and all other exposures for which there is reliable information.”¹⁹ The test explicitly omits any reference to the benefits of the pesticide.²⁰

The Bill states that that the safety determination must be “based solely on considerations of risk to human health and the environment,” but the “unreasonable risk” safety standard, as interpreted by the courts, allows consideration of the chemical’s benefits. It is unclear how the courts would resolve this apparent contradiction if the Bill were enacted, but Congress could eliminate the ambiguity (and the need for more litigation) by adopting the “reasonable certainty of no harm” standard employed in FQPA (and the food additive provisions of the Food, Drug and Cosmetics Act).

The Bill also fails to take into account the special sensitivities of fetuses, infants and children to chemicals in the environment. The Food Quality Protection Act provides special protections for fetuses and children. In establishing tolerances, EPA must assess risks to infants and children on the basis of “available information” concerning (1) consumption patterns among infants and children, (2) special susceptibility of infants and children, and (3) cumulative effects of exposures to infants and children.²¹ More importantly, in the case of threshold effects, the agency must apply an additional “tenfold margin of safety” to take into account “potential pre- and post-natal toxicity and completeness of the data with respect to exposure and toxicity to infants and children.”²² If the committee wants to enact a protective risk-based standard, it should similarly ensure that EPA gives special attention to the risks posed by toxic chemicals to fetuses, infants and children.

Unchanged Standard of Review.

S. 1009 makes no attempt to address an anomaly that lies at the heart of the current law’s ineffectiveness -- the standard for judicial review. As discussed above, the curious specification of the “substantial evidence” standard for judicial review of TSCA rules has invited the courts to review those rules less deferentially than they would under the “arbitrary and capricious” test that normally applies to judicial review of informal rulemaking. If Congress amended the statute to provide for arbitrary and capricious

¹⁹ FQPA, (b)(2)(A)(ii), 110 Stat. 1513, 1516 (codified as amended at 21 U.S.C. § 346a(b)(2)(A)(ii) (Supp. IV 1998)) (amending FDCA) (emphasis added).

²⁰ See Kenneth Weinstein, Jeffrey Holmstead, William Wehrum, & Douglas Nelson, *The Food Quality Protection Act: A New Way of Looking at Pesticides*, 28 E.L.R. 10,555, 10,556 (1998) (“[t]he new standard does not generally allow for the consideration of benefits.”).

²¹ See 21 U.S.C. § 346a (b)(2)(c) (1994 & Supp. IV 1998).

²² 21 U.S.C. § 346a(b)(2)(C)(ii)(II) (1994). The agency may use a different additional margin of safety, but “only if, on the basis of reliable data, such margin will be safe for infants and children.” *Id.*

review, it would send a clear signal to the reviewing courts that it disapproved of the overly intrusive review demonstrated in the *Corrosion Proof Fittings* case.

Excessively Powerful Preemption.

As noted above, TSCA's preemption provisions are not broken and have in fact been functioning quite well for the past 35 years. S. 1009 would work a fundamental change in the relationship between EPA and the states in the area of toxic substances regulation for no apparent reason.

The general rule under the current law is that courts are not supposed to interpret the statute to "affect the authority of any State to establish or continue in effect regulation of any chemical substance, mixture, or article containing a chemical substance or mixture."²³ S. 1009 would change the general rule to state that "no State or political subdivision may establish or continue to enforce": (1) a data production requirement for a chemical or category of chemicals that "is reasonably likely" to produce the same data and information required by an EPA data requirement; (2) a "prohibition or restriction on the manufacture, processing, or distribution" of a chemical after EPA has completed a safety determination; or (3) a significant new use notification requirement for a chemical for which EPA has required such notification. Unlike the current law, the Bill does not even allow the state to promulgate an identical requirement so that the same requirement would be enforceable under state or federal law.

S. 1009 goes even further to prohibit states from establishing a new prohibition or restriction on a chemical that EPA has identified as a high priority substance or a low priority substance. The preemption of regulatory action against low priority substances is apparently based on the assumptions that: (1) EPA will always assess the risks posed by chemical substances accurately in the first instance; and (2) EPA will continuously update its assessments and priority lists in light of new scientific evidence. Both of these assumptions are misplaced.

As discussed above, EPA does not have sufficient resources to make accurate assessments of substances that are likely to fall within the low priority category. It will probably assign chemicals to low priority status on a generic basis based on information about classes and categories of chemicals, rather than on individual assessments of individual chemicals. And the attention that the agency devotes to these assessments will no doubt be influenced by the fact that it can always change the classification of individual chemicals if information later becomes available suggesting that they should be assigned high priority status. The same lack of resources, however, will insure that the agency is unlikely to revisit its assessments in light of changing scientific information. In sum, there is no good reason to suppose that EPA will fulfill its priority ranking

²³ 15 U.S.C. § 2617(a).

responsibilities so perfectly that the states should be precluded from conducting their own evaluations of the available scientific evidence.

The prohibition on state regulation of chemicals assigned high priority status is even more difficult to comprehend. EPA's assignment of high priority status to a chemical represents the agency's determination that the chemical has the potential for high hazard and/or high exposure. High hazard chemicals are likely to be the very chemicals that states are most likely to identify as in need of further regulation. But once EPA makes the high hazard determination, S. 1009 would preclude any state regulatory action. Given the absence of statutory deadlines, discussed above, it may take EPA years (or even decades) to get around to determining the most effective risk management approach for the chemical. In the interim, no governmental entity will have the authority to protect public health and the environment from the risks posed by the chemical. If potential victims cannot motivate EPA to take effective action against the chemical, which might subject only isolated populations in particular geographic locations to exposures high enough to warrant regulatory action, then they are simply out of luck.

S. 1009 does allow a state to petition EPA for a waiver of federal preemption, but the state must demonstrate: (1) that "compelling" state or local conditions warrant a waiver to protect health or the environment; (2) that compliance with the state or local requirement will not burden interstate commerce in the manufacture, processing, distribution, or use of the chemical; (3) that compliance with the state or local requirement will not cause a violation of any applicable federal law; and (4) that the state or local requirement is based on the best science and supported by the weight of the evidence. It seems highly unlikely that any state will be able to surmount this high threshold in situations other than clear emergencies. And should the state persuade the agency to issue the waiver, the waiver itself would still be subject to judicial review under the substantial evidence test.

Finally, S. 1009 contains a highly unusual constraint on the discretion of local judges and juries in state courts to consider and evaluate evidence that chemical substances or products containing chemical substances are unsafe, dangerous or defective. Section 15(c) provides that once EPA has completed a safety determination for a high-priority chemical, that determination is automatically admissible in any public or private litigation in state or federal court for recovery of damages or equitable relief relating to injury to health or the environment caused by the chemical. Moreover, the safety determination is "determinative of whether the substance meets the safety standard under the conditions of use addressed in the safety determination."

In my thirty-six years of teaching and research in the area of torts, I have never seen a proposal for such an intrusive interjection of federal law into the day-to-day administration of justice at the state level. Not only does the Bill change the state judiciary's procedural rules governing the admissibility of evidence, but it also takes away from state court judges and juries the ability to determine whether a chemical is abnormally dangerous or otherwise unsafe in common law litigation. I have seen no evidence whatsoever that the substantive and procedural rules promulgated by the courts

of the 50 states are causing any problems for the manufacturers, processors and distributors of chemical substances. This provision is nothing less than a gift of partial immunity to manufacturers who are fortunate enough to have their chemicals declared safe by EPA.

Although the public is invited to participate in the administrative proceedings through which EPA makes its safety determination, the potential victims are not likely to be represented, because they do not know who they are until the chemical causes them harm. Yet their rights to compensation for damages caused by the chemical will be determined in that proceeding, and not in the state courts where their lawyers would otherwise have an opportunity, through expert testimony, to prove (often using the company's own documents) that the chemical is unreasonably dangerous or otherwise unsafe.

Moreover, the provision appears to work in both directions by making EPA's determination that a chemical is unsafe determinative in state public and private litigation. If the Bill is enacted, plaintiffs' attorneys will no doubt be on the lookout for chemicals that EPA has found not to meet the safety standard. If a plaintiffs' attorney can prove that such a chemical has caused injury to a plaintiff, the attorney may well be able to persuade a judge to instruct the jury to find the chemical to be unreasonably dangerous or otherwise unsafe.

Either way, the provision makes very little sense from the perspective of state/federal comity or from the perspective of respect for the integrity of state civil and criminal justice systems.

Conclusions.

The Toxic Substances Control Act is badly in need of repair, but S. 1009 is not the way to fix that broken statute. The committee should reject this Bill or amend it in ways that make it more protective of human beings and the environment and less protective of the chemical industry. The Bill could be improved by:

- Providing clear deadlines for the tasks that it assigns to EPA in establishing assessment frameworks, collecting and analyzing existing information, prioritizing chemicals, and deciding whether to require additional testing. It should also provide an outside limit on the deadlines for testing chemicals and specify the consequences of a company's failure to complete the testing by the prescribed deadline.
- Clarifying the conflict between "weight of the evidence" and "best available science." The weight of the evidence approach allows the agency to consider all available evidence, giving great weight to the evidence that meets all of the relevant scientific norms and less weight to evidence that may be deficient in one or more regards. Since few scientific studies are flawless, the weight of the evidence approach, which allows the agency to act on the basis of less-than-

perfect scientific evidence is best suited to a precautionary statute like the Toxic Substances Control Act.

- Replacing the “unreasonable risk” test for safety with a more protective test like the “reasonable certainty of no harm” test used in the Food Quality Protection Act and the Food, Drug and Cosmetics Act.
- Changing the standard of judicial review from “substantial evidence” to the “arbitrary and capricious” test that the Administrative Procedure Act and most environmental statutes employ.
- Leaving the express preemption section of the current statute in place. That approach has worked very well in the past. There is no reason to believe that a more restrictive approach to state regulation and state common law would benefit society, and there are many reasons to believe that the extremely restrictive approach adopted by S. 1009 will leave innocent victims unprotected by state law and without recourse in the courts.

STATEMENT OF LINDA J. FISHER

VICE PRESIDENT AND CHIEF SUSTAINABILITY OFFICER, DUPONT

BEFORE THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

UNITED STATES SENATE

JULY 31, 2013

Chairwoman Boxer, Ranking Member Senator Vitter, and Members of the Committee, my name is Linda Fisher, and I am Vice President and Chief Sustainability Officer for DuPont. I want to thank you for the opportunity to testify today on the importance of reforming the Toxic Substances Control Act. At DuPont, one of my responsibilities is to oversee our global product stewardship and product regulatory programs which ensure that our products are safe and in compliance with the various product regulatory programs around the world.

DuPont is a broadly diverse 211 year old company. In addition to our agricultural seed and crop protection businesses, we use a wide variety of chemicals to make products for markets that include buildings, transportation, electronic goods and consumer products. We operate in 90 countries around the world under a variety of chemical management regimes. We have 623 employees who work to ensure our compliance with those regulatory regimes and carry out our voluntary efforts to ensure our products are safe at a cost of roughly \$85 million annually.

As you know, I served as the Assistant Administrator of the Office of Pollution Prevention and Toxic Substances at EPA during the Presidency of George H.W. Bush, and then as Deputy Administrator under President George W. Bush, where I had the privilege of working with the talented staff of EPA who administer TSCA. I have had the opportunity to experience TSCA as a government regulator and as a regulated entity, and I must acknowledge it is a difficult statute to implement no matter where you sit.

Three years ago, I was asked to testify before this committee on the need to modernize U.S. chemical management policies. I emphasized then that in the more than three decades since the Toxic Substances Control Act was signed into law, many things had changed rendering the statute outdated, especially in terms of how it treated existing chemicals. Scientific understanding and public awareness of exposure to chemicals have changed significantly since enactment. Countries around the world have adopted and are implementing strong new programs to regulate the manufacture and use of chemicals. Although significant attention is given to REACH, the European product regulatory program which entered into force in 2007, since that time we have seen many regulatory programs springing up around the world in markets as diverse as Canada, China, Korea and Turkey.

And here at home, in the absence of federal legislation to reform TSCA, we continue to see an increasing number of actions by states to regulate chemicals. State-by-state chemical bans, restrictions, phase-outs and substitutions create tremendous uncertainty for businesses seeking to produce safe, reliable products that can be sold nationally and globally. In addition, consumers are demanding safer products and that is

having an impact on the market value chain. Many of our customers are responding to consumer concerns about chemical safety by imposing restrictions on the use of certain chemicals in products. Some have called this “private regulation” and it imposes additional stress and uncertainty in the marketplace, as these private sector limitations seldom have the scientific rigor and transparency that a regulatory process provides.

It is time to reform TSCA. The U.S. needs to be a global leader in chemicals management, and to do that we need a robust national framework for chemicals regulation, one that is predictable and manageable for industry while increasing consumers’ confidence that the chemicals used to make products are safe. The Chemical Safety Improvement Act of 2013 gives us the vehicle to do just that.

I am personally, very grateful that the work begun under the late Senator Lautenberg has continued under your leadership of the committee, Senator Boxer. TSCA is a very important statute, at times forgotten by the Congress, but one that is critical to public safety and to economic innovation in the U.S. I also want to express my appreciation for the work of Senator Vitter, who with Senator Lautenberg introduced the Chemical Safety Improvement Act with a bipartisan group of cosponsors.

Over the years, considerable consensus has developed that several major changes to TSCA are needed in order to ensure that the U.S. has an effective chemical management regime going forward.

First, a modernized TSCA should require EPA to systematically assess existing chemicals. The statute’s original drafters grandfathered existing substances, and placed significant burdens on EPA before it could identify chemical risks and take action. This has generated public concern about whether we know enough about the chemicals that we are exposed to every day.

Second, data gathering tools under TSCA should be less cumbersome and time consuming. A modernized TSCA should include a streamlined approach for EPA to gather the data they need. We believe that chemical producers and our value chain partners need to provide adequate data to allow EPA to assess the safety of chemicals in use and to develop suitable risk management approaches. EPA and companies should leverage existing data and data arising from other programs like REACH first, and then fill data gaps as necessary to complete assessments. For example, some nine thousand dossiers containing useful information have been submitted under REACH. Where more information is required we should strive to minimize animal testing where there are tools to get adequate data through other means.

Third, EPA’s authorities to identify and act on chemicals that pose safety concerns should be streamlined. One of the biggest problems EPA faces in administering the current TSCA is the Agency’s inability to achieve timely risk reductions under Section 6 when faced with the need to reduce or eliminate exposures to a specific chemical. Although well intended by its drafters in 1976, the process under Section 6 has proven next to impossible for the Agency to successfully implement

Fourth, more data should be available to the public while respecting legitimate confidential business information (CBI). Maintaining industry’s ability to preserve CBI and prevent piracy of intellectual property is critical to encouraging the kind of innovation that will lead to safer and safer chemical alternatives. I think everyone agrees that there are some straightforward means to improve the CBI

process in ways that strike the right balance between the public's need for accurate information and the need to continue to incentivize innovation by American businesses.

Fifth, it is important that a modernized TSCA preserve the efficiency of the current PMN process for new chemicals. This is also critical to facilitating innovation, increasingly bringing green chemistry to market and allowing substitution where warranted.

The Chemical Safety Improvement Act effectively addresses each of these issues. First and perhaps most significantly, the Chemical Safety Improvement Act, if enacted, would for the first time direct EPA to systematically evaluate the safety of existing chemicals in use. This represents a significant and warranted change in federal chemical policy. No such requirement is present in the current TSCA.

Second, the bill streamlines EPA's authority to gather the data needed for the Agency to determine whether a chemical is safe for its intended use, including additional testing. EPA's current authorities require extensive findings and rulemakings simply to gather data. First and foremost by requiring EPA to assess and affirmatively determine the safety of existing chemicals, the CSIA creates a powerful motivation for industry to voluntarily bring forward hazard and exposure data associated with their chemicals to ensure those assessments are as well informed as they can be. The CSIA also gives EPA a wide range of tools to collect information, including consent agreements, orders and rulemakings and removes the current requirement that EPA make a risk finding simply to ask for information.

Third, the CSIA streamlines EPA's authorities to identify and act on chemicals that may pose safety concerns in their use. We support the separation of the safety assessment on high-priority substances from the risk management assessment and decisions. We believe the bill wisely leaves the current TSCA safety standard largely in place. The challenge to implementation of Section 6 was never the standard, rather it was encumbrances like the "least burdensome" requirement that have made section 6 unmanageable. The bill addresses this by removing that requirement and provides clear authority for the Agency to require a variety of risk management actions, from labeling to banning specific uses of a chemical. As the bill progresses it will be important to clarify and ensure that the provisions of the revised section 6 avoid the sort of "paralysis by analysis" that has hindered EPA's implementation of the current law.

Fourth, the CSIA ensures that more data will be made available to the public while respecting legitimate confidential business information (CBI). Let me start by pointing out that CBI designation has nothing to do with what information EPA sees – it relates solely to what information is made public, a public that includes not only US citizens and public interest groups but commercial competitors and foreign nations. We appreciate that a lot of thoughtful work has been done by all stakeholders to strike the right balance between the public availability of information and the protection of legitimate trade secrets that is so important to the US innovation economy. Borrowing from Senator Lautenberg's Safe Chemicals Act, the CSIA helpfully clarifies those categories of information which can and cannot receive CBI protections. It raises the bar on the rigor of substantiations of CBI claims. And it expressly provides otherwise CBI information to key interested parties, such as state governments which demonstrate the ability to protect such data.

We understand that many important stakeholders believe this bill needs changes. We have some changes that we would also like to see and that we believe will improve the bill. It is my personal belief that many of these issues can be addressed while still preserving the design, structure and key provisions of CSIA. I hope all interested stakeholders recognize just how much progress this bill represents, and the tremendous opportunity we have to move TSCA reform forward in a bipartisan way this year using this bill as a vehicle.

Madame Chair, we have before us a unique opportunity to pass comprehensive reform of the US chemical management programs, and once again place the US government in a leadership position on this important issue. Rarely does industry ask for EPA to be vested with more power, rarely do many members of the NGO community, the labor community and industry come to Congress supporting an environmental regulatory bill. We do so because the Chemical Safety Improvement Act represents much needed sweeping reform to an outdated and largely ineffective existing chemicals program. I urge you to seize this opportunity.

Again, thank you for the opportunity to share our views with you today. DuPont is committed to working with other stakeholders and with Members of this Committee as the process goes forward.

I look forward to your questions.

Testimony of

**Stephen A. Owens
Squire Sanders (US) LLP
Phoenix, Arizona**

**before the
Committee on Environment and Public Works
United States Senate**

July 31, 2013

Good morning, Chairman Boxer, Ranking Member Vitter, and other members of the Committee. Thank you for the opportunity to be with you today to discuss the topic of chemical risk management in the United States.

I want to thank you, Senator Boxer and Senator Vitter, as well as other members of this Committee, for your leadership on this very important issue and for your efforts to bring about comprehensive reform of the Toxic Substances Control Act (TSCA).

I also want to add that one of the great joys I had in government was getting to know the late Senator Frank Lautenberg and working with him on chemical safety issues. We miss him very much.

From July 2009 until the end of November 2011, I had the privilege to serve as the Assistant Administrator in charge of the U.S. Environmental Protection Agency's (EPA) Office of Chemical Safety & Pollution Prevention (OCSPP). I was honored to have been nominated by President Obama, approved by this Committee and confirmed by the full United States Senate.

I am now with the law firm of Squire Sanders (US) LLP, based in our Phoenix, Arizona office. I received my undergraduate degree from Brown University, where I graduated with Honors, and my law degree from Vanderbilt Law School, where I was Editor in Chief of the Vanderbilt Law Review.

Although I am a former EPA official, my testimony represents my own personal views

and not the views of EPA or any other organization or entity.

Prior to joining EPA I served as Director of the Arizona Department of Environmental Quality (ADEQ) in the Cabinet of then-Governor Janet Napolitano. I am the longest serving Director in ADEQ's history.

As the father of a child with asthma, protecting children's health has always been very important to me. Reducing children's exposure to toxic chemicals and pollutants was one of my top priorities at both ADEQ and EPA. As ADEQ Director, I launched Arizona's Children's Environmental Health Project and established an Office of Children's Environmental Health at the agency. Among our many efforts, we worked with schools to protect children from potential exposure to lead in drinking water, reduce mercury-containing equipment in schools, and minimize the use of pesticides on school properties through Integrated Pest Management (IPM). We promoted environmentally healthy schools and "green" schools, and we required facilities with permits or approvals from ADEQ to ensure that their activities do not present environmental health risks to children. At EPA I worked closely with EPA's Office of Children's Health Protection and made children's health an important element in EPA's chemical regulatory efforts.

While serving as ADEQ Director, I also became very active in the Environmental Council of the States (ECOS), the national organization for state environmental agency directors. I held several leadership positions within ECOS and served as ECOS President during my last year in office.

When I came to EPA in 2009, there was broad consensus that TSCA needs to be modernized. There also was a widespread expectation that Congress would act quickly to pass TSCA reform legislation.

As the Assistant Administrator for OCSPP, I was responsible for EPA's implementation

of TSCA, and I helped develop the Obama Administration's principles for TSCA reform (called the "Essential Principles for Reform of Chemicals Management Legislation"). As you may recall, former EPA Administrator Lisa Jackson announced those principles in September 2009, and I testified about them before this Committee while I was at EPA. Attached to my testimony is a copy of the Administration's TSCA reform principles (downloaded from the EPA website).

Administrator Jackson made assuring the safety of chemicals a top priority for EPA. Under her leadership, we followed a three-part strategy on chemical safety: (i) use EPA's existing TSCA authority to the fullest extent possible to assess and manage chemical risks; (ii) increase public access to chemical data and information; and (iii) work with Congress to achieve TSCA reform.

During my time as Assistant Administrator, we took a number of important actions under TSCA. Among many other steps, we prepared Action Plans on several priority chemicals. We developed Significant New Use Rules (SNURs) under TSCA section 5 to limit risks presented by certain existing chemicals. We issued rules under TSCA section 4 to require testing on a number of High Production Volume (HPV) chemicals (produced in quantities of a million or more pounds). We also issued the new Chemical Data Reporting Rule (CDR Rule), which requires chemical manufacturers to provide more detailed and comprehensive data on the chemicals they make and the ways in which those chemicals are used. Further, before I left EPA, we developed a framework for prioritizing chemicals for review, which led to the plan, announced by the Agency last year, to conduct risk assessments on 83 "work plan" chemicals and a number of flame retardants.

We launched an effort to reduce confidential business information (CBI) claims and "declassify" information where confidentiality is no longer warranted, while recognizing the legitimate business need to protect certain chemical information. We also made the TSCA

Inventory available for free on the EPA website and created the Chemical Data Access Tool (CDAT), a searchable data base that gives the public access to thousands of chemical health and safety studies that have been submitted to EPA under TSCA.

While we made some progress using TSCA, it was – and is – abundantly clear to me that TSCA is fundamentally flawed and must be fixed if the American people are going to be assured that the chemicals to which their children and families are exposed every day are in fact safe. Simply put, it is time to bring TSCA into the 21st Century.

TSCA was an important step forward when it was passed in 1976. Over the years, however, TSCA has proved to be an inadequate tool for providing the protection against chemical risks that the public rightfully expects, especially as new developments in science and technology have come about. As has been noted often, TSCA is the only major environmental statute that has not been updated since its passage. TSCA is 37 years old, and it is clearly showing its age – and its limitations.

When TSCA was enacted in 1976, it grandfathered in, without any evaluation whatsoever, more than 60,000 chemicals that were in commerce in this country at that time, and few of those chemicals have been evaluated since. In fact, TSCA does not require EPA to conduct safety assessments or make safety determinations about any chemicals at all, and it puts the burden on EPA to demonstrate essentially that a chemical is unsafe before the Agency can take action on it.

In addition, TSCA places substantial legal and procedural requirements on EPA before the Agency can request the generation and submission of data on the potential health and environmental effects of existing chemicals, and it does not provide EPA adequate authority to reevaluate existing chemicals as new concerns arise or science advances. As a result, in the 37 years since TSCA became law, EPA has only been able to require testing on just a little more

than 200 of the nearly 85,000 chemicals now listed on the TSCA Inventory.

It also has proven difficult to take action under TSCA to limit or ban chemicals found to cause unreasonable risks to human health or the environment. In 37 years, EPA has significantly limited or banned only five chemicals under TSCA. Even if EPA has substantial data and wants to protect the public against known risks, TSCA creates significant obstacles to quick and effective regulatory action, including requiring EPA to use the “least burdensome” alternative to address a chemical risk.

For example, in 1989, after years of study and nearly unanimous scientific opinion about the risks posed by asbestos, EPA issued a rule phasing out most uses of asbestos in products. Yet, in 1991 in the *Corrosion Proof Fittings* case, a federal court overturned most of this action because it found that the rule had failed to comply with the complicated requirements of TSCA. The hurdles in TSCA are so high that EPA has not even attempted to take action on a chemical under TSCA section 6 in the last 20-plus years since that decision.

While I am no longer at EPA, I believe that TSCA should be revised consistent with the principles announced by the Administration in 2009. Chemicals should be reviewed against a safety standard that is based on sound science and reflects risk-based criteria protective of human health and the environment, including vulnerable populations. Chemicals should be prioritized for safety reviews, and industry should be required to provide data to demonstrate that their chemicals meet the safety standard. EPA should be given greater authority to require any data necessary to assess the safety of chemicals and to take action on chemicals that present unreasonable risks. Requirements should be set for confidentiality claims, and EPA should be allowed to share critical data with states under appropriate safeguards.

The introduction of S. 1009, the Chemical Safety Improvement Act (CSIA), in May by a bipartisan group of Senators was a major breakthrough in the years-long effort to strengthen

chemical regulation and protect the public from unreasonable chemical risks. As the EPA Assistant Administrator charged with TSCA's implementation, I had first-hand experience with TSCA's many shortcomings. The CSIA is a significant improvement over the current outdated law.

Thank you again for the opportunity to testify today. I will be happy to answer any questions you may have.



Existing Chemicals

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Essential Principles for Reform of Chemicals Management Legislation

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The U.S. Environmental Protection Agency (EPA) is committed to working with the Congress, members of the public, the environmental community, and the chemical industry to reauthorize the Toxic Substances Control Act (TSCA). The Administration believes it is important to work together to quickly modernize and strengthen the tools available in TSCA to increase confidence that chemicals used in commerce, which are vital to our Nation's economy, are safe and do not endanger the public health and welfare of consumers, workers, and especially sensitive sub-populations such as children, or the environment.

The following Essential Principles for Reform of Chemicals Management Legislation (Principles) are provided to help inform efforts underway in this Congress to reauthorize and significantly strengthen the effectiveness of TSCA. These Principles present Administration goals for updated legislation that will give EPA the mechanisms and authorities to expeditiously target chemicals of concern and promptly assess and regulate new and existing chemicals.

Principle No. 1: Chemicals Should be Reviewed Against Safety Standards that are Based on Sound Science and Reflect Risk-based Criteria Protective of Human Health and the Environment.

EPA should have clear authority to establish safety standards that are based on scientific risk assessments. Sound science should be the basis for the assessment of chemical risks, while recognizing the need to assess and manage risk in the face of uncertainty.

Principle No. 2: Manufacturers Should Provide EPA with the Necessary Information to Conclude That New and Existing Chemicals are Safe and Do Not Endanger Public Health or the Environment.

Manufacturers should be required to provide sufficient hazard, exposure, and use data for a chemical to support a determination by the Agency that the chemical meets the safety standard. Exposure and hazard assessments from manufacturers should be required to include a thorough review of the chemical's risks to sensitive subpopulations

Where manufacturers do not submit sufficient information, EPA should have the necessary authority and tools, such as data call in, to quickly and efficiently require testing or obtain other information from manufacturers that is relevant to determining the safety of chemicals. EPA should also be provided the necessary authority to efficiently follow up on chemicals which have been previously assessed (e.g., requiring additional data or testing, or taking action to reduce risk) if there is a change which may affect safety, such as increased production volume, new uses or new information on potential hazards or exposures. EPA's authority to require submission of use and exposure information should extend to downstream processors and users of chemicals.

Principle No. 3: Risk Management Decisions Should Take into Account Sensitive Subpopulations, Cost, Availability of Substitutes and Other Relevant Considerations.

EPA should have clear authority to take risk management actions when chemicals do not meet the safety standard, with flexibility to take into account a range of considerations, including children's health, economic costs, social benefits, and equity concerns.

Principle No. 4: Manufacturers and EPA Should Assess and Act on Priority Chemicals, Both Existing and New, in a Timely Manner.

EPA should have authority to set priorities for conducting safety reviews on existing chemicals based on relevant risk and exposure considerations. Clear, enforceable and practicable deadlines applicable to the Agency and industry should be set for completion of chemical reviews, in particular those that might impact sensitive sub-populations.

Principle No. 5: Green Chemistry Should Be Encouraged and Provisions Assuring Transparency and Public Access to Information Should Be Strengthened.

The design of safer and more sustainable chemicals, processes, and products should be encouraged and supported through research, education, recognition, and other means. The goal of these efforts should be to increase the design, manufacture, and use of lower risk, more energy efficient and sustainable chemical products and processes.

TSCA reform should include stricter requirements for a manufacturer's claim of Confidential Business Information (CBI). Manufacturers should be required to substantiate their claims of confidentiality. Data relevant to health and safety should not be claimed or otherwise treated as CBI. EPA should be able to negotiate with other governments (local, state, and foreign) on appropriate sharing of CBI with the necessary protections, when necessary to protect public health and safety.

Principle No. 6: EPA Should Be Given a Sustained Source of Funding for Implementation.

Implementation of the law should be adequately and consistently funded, in order to meet the goal of assuring the safety of chemicals, and to maintain public confidence that EPA is meeting that goal. To that end, manufacturers of chemicals should support the costs of Agency implementation, including the review of information provided by manufacturers.



Existing Chemicals

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Essential Principles for Reform of Chemicals Management Legislation

Download in [PDF](#) format. (2 pp, 28 kb)

The U.S. Environmental Protection Agency (EPA) is committed to working with the Congress, members of the public, the environmental community, and the chemical industry to reauthorize the Toxic Substances Control Act (TSCA). The Administration believes it is important to work together to quickly modernize and strengthen the tools available in TSCA to increase confidence that chemicals used in commerce, which are vital to our Nation's economy, are safe and do not endanger the public health and welfare of consumers, workers, and especially sensitive sub-populations such as children, or the environment.

The following Essential Principles for Reform of Chemicals Management Legislation (Principles) are provided to help inform efforts underway in this Congress to reauthorize and significantly strengthen the effectiveness of TSCA. These Principles present Administration goals for updated legislation that will give EPA the mechanisms and authorities to expeditiously target chemicals of concern and promptly assess and regulate new and existing chemicals.

Principle No. 1: Chemicals Should be Reviewed Against Safety Standards that are Based on Sound Science and Reflect Risk-based Criteria Protective of Human Health and the Environment.

EPA should have clear authority to establish safety standards that are based on scientific risk assessments. Sound science should be the basis for the assessment of chemical risks, while recognizing the need to assess and manage risk in the face of uncertainty.

Principle No. 2: Manufacturers Should Provide EPA with the Necessary Information to Conclude That New and Existing Chemicals are Safe and Do Not Endanger Public Health or the Environment.

Manufacturers should be required to provide sufficient hazard, exposure, and use data for a chemical to support a determination by the Agency that the chemical meets the safety standard. Exposure and hazard assessments from manufacturers should be required to include a thorough review of the chemical's risks to sensitive subpopulations

Where manufacturers do not submit sufficient information, EPA should have the necessary authority and tools, such as data call in, to quickly and efficiently require testing or obtain other information from manufacturers that is relevant to determining the safety of chemicals. EPA should also be provided the necessary authority to efficiently follow up on chemicals which have been previously assessed (e.g., requiring additional data or testing, or taking action to reduce risk) if there is a change which may affect safety, such as increased production volume, new uses or new information on potential hazards or exposures. EPA's authority to require submission of use and exposure information should extend to downstream processors and users of chemicals.

Principle No. 3: Risk Management Decisions Should Take into Account Sensitive Subpopulations, Cost, Availability of Substitutes and Other Relevant Considerations.

EPA should have clear authority to take risk management actions when chemicals do not meet the safety standard, with flexibility to take into account a range of considerations, including children's health, economic costs, social benefits, and equity concerns.

Principle No. 4: Manufacturers and EPA Should Assess and Act on Priority Chemicals, Both Existing and New, in a Timely Manner.

EPA should have authority to set priorities for conducting safety reviews on existing chemicals based on relevant risk and exposure considerations. Clear, enforceable and practicable deadlines applicable to the Agency and industry should be set for completion of chemical reviews, in particular those that might impact sensitive sub-populations.

Principle No. 5: Green Chemistry Should Be Encouraged and Provisions Assuring Transparency and Public Access to Information Should Be Strengthened.

The design of safer and more sustainable chemicals, processes, and products should be encouraged and supported through research, education, recognition, and other means. The goal of these efforts should be to increase the design, manufacture, and use of lower risk, more energy efficient and sustainable chemical products and processes.

TSCA reform should include stricter requirements for a manufacturer's claim of Confidential Business Information (CBI). Manufacturers should be required to substantiate their claims of confidentiality. Data relevant to health and safety should not be claimed or otherwise treated as CBI. EPA should be able to negotiate with other governments (local, state, and foreign) on appropriate sharing of CBI with the necessary protections, when necessary to protect public health and safety.

Principle No. 6: EPA Should Be Given a Sustained Source of Funding for Implementation.

Implementation of the law should be adequately and consistently funded, in order to meet the goal of assuring the safety of chemicals, and to maintain public confidence that EPA is meeting that goal. To that end, manufacturers of chemicals should support the costs of Agency implementation, including the review of information provided by manufacturers.



UNITED STATES SENATE ENVIRONMENT AND PUBLIC WORKS HEARING

“Strengthening Public Health Protections by Addressing Toxic Chemical Threats”

Linda Reinstein

Asbestos Disease Awareness Organization (ADAO)

President/Co-founder and Mesothelioma Widow

Wednesday, July 31, 2013

I would like to thank Chairman Boxer, Ranking Member Vitter and the entire EPW committee for the honor and opportunity to testify at this hearing, “Strengthening Public Health Protections by Addressing Toxic Chemical Threats.” I know far too well that toxic chemicals are not just “threats.” They are a very real part of the life and death of many people, including my husband.

My name is Linda Reinstein. I am neither a lobbyist nor an attorney. I am a mesothelioma widow and Co-founder of the [Asbestos Disease Awareness Organization](http://www.AsbestosDiseaseAwareness.org) (ADAO). Founded in 2004, ADAO is the largest independent non-profit organization in the U.S. dedicated to preventing exposure to eliminate asbestos-caused diseases.

Since EPA Deputy Administrator John R. Quarles testified about the “Need for Toxic Substances Act”¹ in 1975, science and technology have advanced exponentially. Asbestos, a human carcinogen, has caused one of the worst man-made disasters in history. The facts are irrefutable, yet, each day, 30 Americans die from a preventable asbestos-caused disease.

Honoring our ADAO tradition, I’d like to dedicate my testimony today to two asbestos victims, Janelle and Michael. Tragically, last month, Janelle lost her life to mesothelioma at the age of 37, leaving behind her husband and 11-year-old son. Michael, a 29-year-old mesothelioma patient, continues to fight for his life and faces limited treatment options. Neither Janelle nor Michael ever worked with asbestos. The asbestos victim’s profile has changed; once a blue-collar worker in his mid-sixties, now there is a new, younger patient profile emerging with no known occupational exposure – people like Janelle and Michael. It is no longer only at-risk workers being diagnosed; it’s also their families: children who hugged their parents and spouses who washed their clothes.



¹ <http://www2.epa.gov/aboutepa/quarles-testifies-need-toxic-substances-act>

MES-O-THE-LI-O-MA – CAN’T PRONOUNCE IT – CAN’T CURE IT

My husband, Alan, was diagnosed with pleural mesothelioma in 2003. We had never heard of the asbestos-caused cancer, mesothelioma, and shortly learned it was incurable. Alan chose to have an extrapleural pneumonectomy, a radical surgery which removed a rib and his left lung, stripped off his pericardium and surgically replaced his diaphragm – all in hopes of more time with us. In 2005, the cancer came back on his remaining lung. Alan felt like he was breathing through a pinched straw, every breath, every minute, every day. When his oxygen levels became critically low, he was tethered to supplemental oxygen. He fought a hard battle with chemotherapy for nearly a year. In 2006, Alan took his last breaths with our then 13-year-old daughter and me by his side. Alan paid the ultimate price for his job – his life. Our daughter was only ten years old when we began our arduous family battle to fight mesothelioma and work with Congress to ban asbestos.

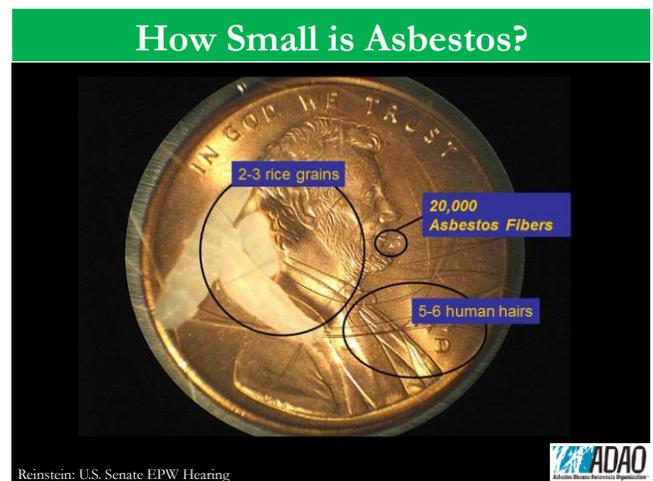


Today, I somberly represent Alan, Janelle, Michael and hundreds of thousands of other victims whose voices have been silenced by asbestos. I use the word “victim” because it is the only word that appropriately describes an individual exposed to asbestos; a patient, living or deceased, who was diagnosed with an asbestos-related disease; or a family member of those exposed or diagnosed. For each life lost, a shattered family is left behind.

FROM MAGIC MINERAL TO DEADLY DUST

Asbestos was once considered a “magic mineral” due to its light weight, tensile strength, heat resistance, and low cost. All six types of asbestos – chrysotile, amosite, crocidolite, tremolite, anthophyllite, and actinolite – are carcinogenic. Asbestos fibers can be nearly 700 times smaller than a human hair and are odorless, tasteless, and indestructible. All forms of asbestos can cause mesothelioma and lung, gastrointestinal, laryngeal, and ovarian cancers, as well as non-malignant lung and respiratory diseases.

The World Health Organization², International Labor Organization³, U.S. Environmental Protection Agency⁴ and Surgeon General⁵ all agree that there is no safe level of exposure to asbestos. Asbestos-related diseases are often misdiagnosed and under-reported. Exacerbated by a latency period of 10–50 years, late stage diagnosis often limits patients’ treatment options. Most patients die within 6–12 months after diagnosis. Each death is preventable.



² http://www.who.int/occupational_health/publications/asbestosrelateddiseases.pdf

³ http://www.ilo.org/safework/WCMS_144446/lang-en/index.htm

⁴ <http://www2.epa.gov/asbestos/learn-about-asbestos#effects>

⁵ <http://www.surgeongeneral.gov/news/2013/04/pr20130401.html>

Most Americans trust that their air, soil and water are safe from toxic contaminants; however, the Toxic Substances Control Act (TSCA)⁶ has failed to protect public health and our environment. In 1989, the EPA issued a final rule under Section 6 of TSCA, banning most asbestos-containing products. In 1991, however, this rule was vacated and remanded by the Fifth Circuit Court of Appeals. As a result, most of the original ban on the manufacture, importation, processing, or distribution in commerce of asbestos-containing products was overturned.

There were only five asbestos-containing products banned by TSCA in 1976:

1. Corrugated paper
2. Rollboard
3. Commercial paper
4. Specialty paper
5. Flooring felt

We cannot identify the toxic asbestos fibers nor manage the risk in products or places.

ASBESTOS: STILL LEGAL AND LETHAL IN THE UNITED STATES

Asbestos is still legal and lethal in the United States. The asbestos industry put profits before people -- dollars before lives.

The collateral damage of asbestos consumption is staggering. The U.S. Geological Survey (USGS) reported that from 1900 to 2012, we have produced or used more than 31 million tons⁷ and imports continue. Ships docked in U.S. ports still unload asbestos in the states of Louisiana, Texas, California and New Jersey.

The United States remains dependent on imports to meet so-called manufacturing needs. USGS reported that in 2012, asbestos consumption in the “United States was estimated to be 1,060 tons. [...] The chloralkali industry accounted for an estimated 57% of U.S. consumption; roofing products, about 41%; and unknown applications, 2%.”⁸ For the past two years, we have seen an increase in asbestos consumption in the chloralkali industry, even though viable and affordable asbestos substitutes exist.

In 2012, the US imported all of the chrysotile asbestos from Brazil, the world’s third largest asbestos producer.

In response to this continued public health crisis, 18 months ago, I began my inquiry about the toxic asbestos import trade by asking three questions via a Freedom of Information Act request:

- Who are the U.S. companies and/or government agencies importing asbestos?

⁶ <http://www.epa.gov/oppt/newchemicals/pubs/chem-pmn/appendix.pdf>

⁷ <http://pubs.usgs.gov/circ/2006/1298/c1298.pdf>

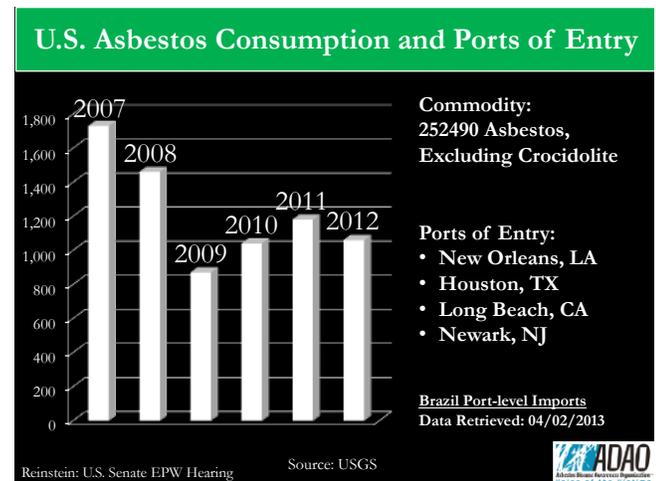
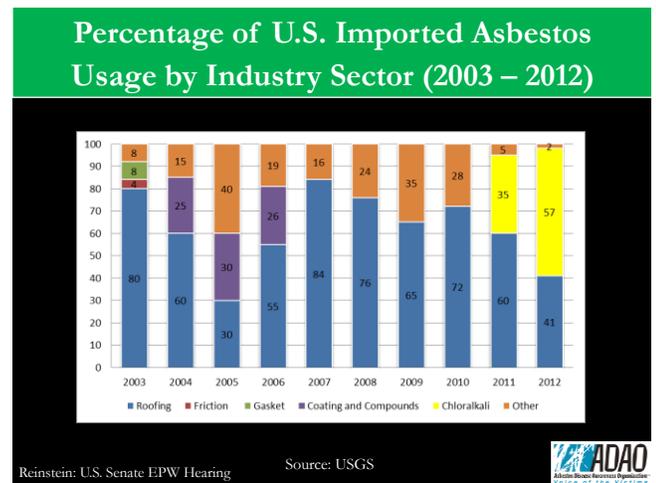
⁸ <http://minerals.usgs.gov/minerals/pubs/commodity/asbestos/mcs-2013-asbes.pdf>

Asbestos Disease Awareness Organization is a registered 501(c) (3) nonprofit organization

"United for Asbestos Disease Awareness, Education, Advocacy, Prevention, Support and a Cure"

1525 Aviation Boulevard, Suite 318 · Redondo Beach · California · 90278 · 310.251.7477

www.AsbestosDiseaseAwareness.org



- What asbestos-containing products are being manufactured in the U.S.?
- Where are the asbestos-containing products being used in or exported from the U.S.?

I have been unable to get answers to any of my questions due to U.S. Code Title 13, Chapter 9, Section 301(g), which protects the confidentiality of export data collected by the U.S. Census Bureau. This roadblock led me to different questions: Why is the United States “dependent on imports to meet manufacturing needs,” as USGS states?

According to the Center for Public Integrity, the American Chemistry Council released a statement saying, “Diaphragms made of asbestos are a critical separation medium in the chlorine manufacturing process. Chlorine is essential for manufacturing life-saving medicines, producing solar cells, and providing safe drinking water.” The statement asserted that chlorine producers “work to manage the risks and potential adverse effects to human health and the environment” and “workers potentially exposed to asbestos are protected by wearing appropriate personal protective equipment and following strict work processes.”⁹

Despite the irreversible, harmful health effects of asbestos exposure, the American Chemistry Council statement continues: “Employees in the chlor-alkali industry are given annual medical examinations to determine whether an employee has incurred any adverse effects due to any possible exposure.” If a medical examination results in an asbestos-disease diagnosis, the health effects are irreversible.

We have ignored the WHO Resolution stating: “The most efficient way to eliminate asbestos-related diseases is to stop using all types of asbestos.”

ASBESTOS CAN TAKE YOUR BREATH AWAY, FOREVER

The facts are clear: the tons of asbestos that have been mined in and imported to the U.S. have created a public health crisis. Asbestos remains in our homes, schools, and buildings, and even on consumer shelves. Workers and consumers cannot adequately identify the toxic fibers nor manage the risks of consumer, environmental and occupational asbestos exposure in products or places.

Do you know where these nearly invisible, deadly fibers are in your home, in your car, on consumer shelves, or here on The Hill?

Consumer, environmental and occupational exposure continues.

CONSUMER EXPOSURE:

- In 2007, ADAO identified 5 consumer products, including a child’s toy, that were contaminated with asbestos.

⁹ <http://www.publicintegrity.org/health/public-health/asbestos>

- In 2012, a colleague of mine sent me a mitt that was made of 97% chrysotile asbestos.

ENVIRONMENTAL EXPOSURE:

- Natural and man-made environmental disasters have plagued us. It was reported that 2,600 tons of asbestos was collected after the Joplin, Missouri tornado and tons of toxic debris littered the coastline after Hurricane Sandy.
- W.R. Grace Vermiculite Mine, a man-made disaster in Libby, MT, has been costly in dollars and lives. The federal government has spent more than \$450 million to remediate the toxic areas in Libby, MT and treat the residents.

OCCUPATIONAL EXPOSURE:

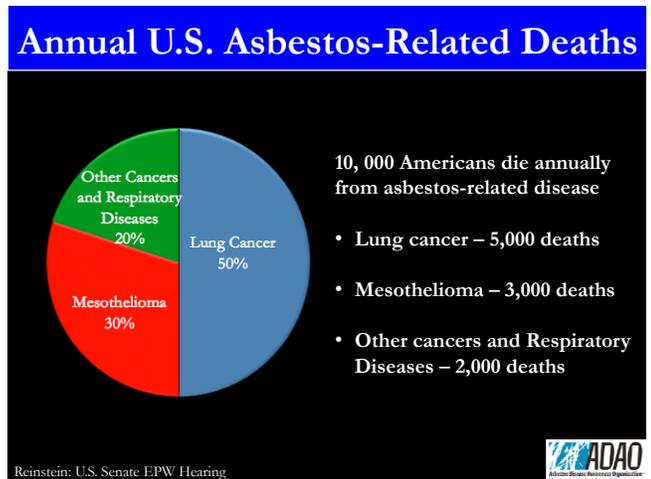
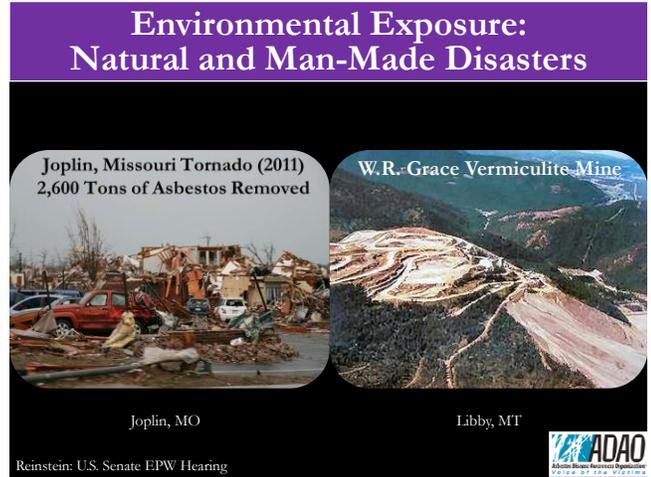
Although we have laws and regulations, workers are still being exposed on the job and take-home exposure threatens their families with deadly hugs and chores. Occupational exposures can occur during maintenance, construction, abatement, and hazardous debris removal.

- The medical journal *The Lancet* reported that 9/11 first responders are now suffering from a variety of diseases and are 19% more likely to have cancer than other first responders. Due to the long latency period of asbestos-caused diseases, it will be decades before we can accurately calculate collateral damage from 9/11.¹⁰
- Right here under the Capitol, 10 federal employees were exposed and sickened from maintaining the tunnels. Asbestos dust was so thick that a worker was able to write his name on the pipe. One of their wives now has pleural thickening from washing her husband's contaminated clothes.

AMERICANS REMAIN AT RISK TODAY

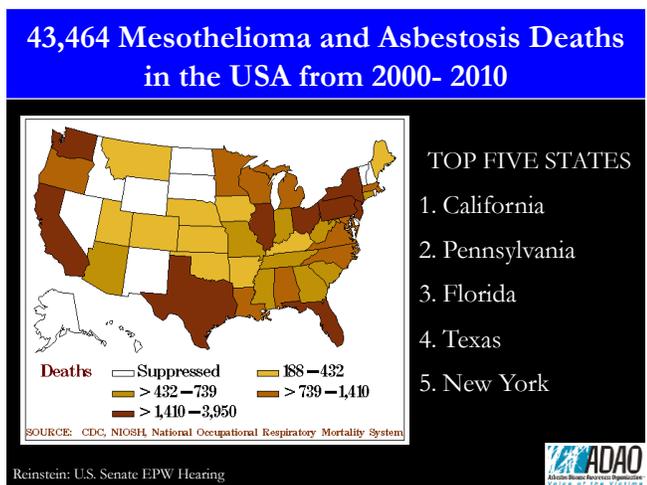
Each year, an estimated 10,000 Americans die from asbestos-related disease. Many colleagues agree that this estimate is likely low due to underreporting and a focus limited to occupational surveillance. Annually, about 3,000 Americans die from mesothelioma, 5,000 from asbestos-related lung cancer, and 2,000 from other asbestos-related cancers or respiratory diseases.

¹⁰ <http://www.thelancet.com/themed-911>



NIOSH statistics from 2000 – 2012 reveal that 43,464 Americans died from mesothelioma and asbestosis – just two of the asbestos-caused diseases. The top five states with the highest mortality were California, Pennsylvania, Florida, Texas, and New York.

The Occupational Safety and Health Administration states that in the United States, “Asbestos is well recognized as a health hazard and is highly regulated. An estimated 1.3 million employees in the construction and general industry face significant asbestos exposure on the job.” In May 2010, the United States President's Cancer Panel (PCP) released the landmark 200-page report entitled, [*“Reducing Environmental Cancer Risk: What We Can Do Now”¹¹*](#). The panel reported, “Construction workers were found to be 11 times more likely to develop mesothelioma, due to asbestos exposures at the site.”



HISTORY IS A GREAT TEACHER TO THOSE WHO LISTEN

We cannot alter history or bring back the dead, but we can learn from the past to save lives. Every day, 30 Americans will die from preventable asbestos-caused diseases, yet asbestos continues to be legal and lethal in the United States. We know so much and have done so little to mitigate this disaster. Human, environmental, and civil rights have all been compromised because of asbestos, and patients like Janelle, Michael, and Alan pay the price.

The only two ways to end asbestos-caused diseases are prevention and a cure.

THE FIVE IRREFUTABLE ASBESTOS FACTS ARE:

1. Asbestos is a known human carcinogen and there is no safe level of exposure.
2. 54 countries have banned asbestos, but the United States has not.
3. Asbestos imports and exposure continue. In 2012, the United States imported over 1,060 tons of asbestos.
4. An estimated 10,000 Americans die each year from preventable asbestos-caused diseases.
5. Americans cannot determine or manage consumer, environmental, and occupational asbestos risk.



¹¹ http://deainfo.nci.nih.gov/advisory/pcp/annualReports/pcp08-09rpt/PCP_Report_08-09_508.pdf

“SAFE CHEMICALS ACT OF 2013” (S. 1009) IS CRITICALLY FLAWED AND JEOPARDIZES PUBLIC HEALTH AND OUR ENVIRONMENT

In April 2013, ADAO applauded congressional efforts on the “[Safe Chemicals Act of 2013](#)” (S. 696)¹², which would adequately protect American families from toxic exposures. However, since then, CSIA, the [Chemical Safety Improvement Act of 2013 \(S. 1009\)](#)¹³, was introduced in May. While the chemical industry is pleased with this new bill, ADAO and the majority of other environmental and public health organizations do not support the current language.

Specifically, CSIA has the following critical flaws:

- Next to Impossible to Phase Out or Ban Harmful Chemicals. CSIA would make it impossible for EPA to ban or phase out the worst of the worst toxic chemicals on the market.
- Grossly Inadequate Safety Standard. CSIA’s safety standard would place a heavy burden on EPA to find that a chemical such as asbestos is unsafe, rather than shifting the burden to chemical companies to show chemicals are safe.
- Lack of Deadlines to Ensure Safety. CSIA is virtually devoid of any deadlines that would require EPA to act quickly to assess and restrict the use of harmful chemicals such as asbestos.
- Unworkable Standard of Court Review. CSIA would retain the unworkable standard of court review found in TSCA, which ultimately prevented EPA from being able to ban asbestos in 1989.
- Freeze on State Efforts to Protect People from Chemicals. CSIA contains far-reaching language that would paralyze states from being able to enforce existing laws or pass new ones, to increase protections against harmful chemicals such as asbestos.

Americans have lost confidence in the chemical industries’ ability to protect us from toxins. Congress should draft and pass meaningful TSCA reform legislation that truly strengthens protections for our families and environment and expedites action to ban asbestos.

Americans need and deserve legislation to:

1. Expedite action to prohibit asbestos imports
2. Ban the manufacture, sale and export of asbestos-containing products
3. Protect each state’s ability to maintain or pass stronger laws to regulate chemicals

I have attached to this testimony a petition signed by over 2,500 people who support a U.S. asbestos ban. One life lost to a preventable asbestos-caused disease is tragic; hundreds of thousands of lives lost is unconscionable.

¹² <http://www.govtrack.us/congress/bills/113/s696>

¹³ <http://www.govtrack.us/congress/bills/113/s1009>

S. 1009 Fails to Protect Public Health

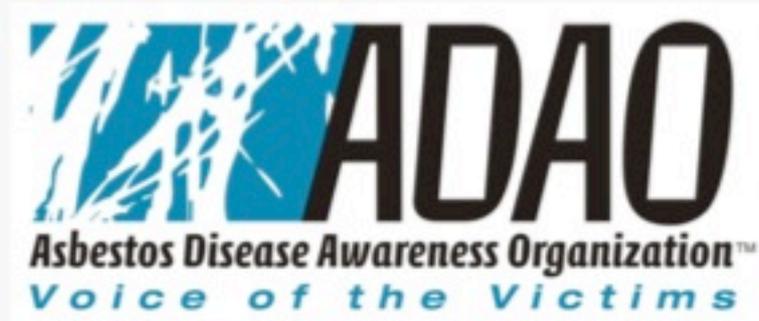
S. 1009:

- Fails to ban asbestos
- Excludes the names of dangerous toxic chemicals, such as “asbestos”
- Unreasonable burden of proof
- Fails to establish a statutory deadline for the EPA to review chemicals or take appropriate action
- Paralyzes states from the ability to enforce existing laws



Reinstein: U.S. Senate EPW Hearing





U.S. Senate Environment and Public Works Full Committee

“Strengthening Public Health Protections by Addressing Toxic Chemical Threats”

Hearing

July 31, 2013

LINDA REINSTEIN

Asbestos Disease Awareness Organization (ADAAO)

President/CEO and Co-Founder

Linda@adao.us

ADAO Dedication

Janelle 1976 - 2013



Michael 1984 -



Alan Reinstein, Former ADAO President Mesothelioma Victim

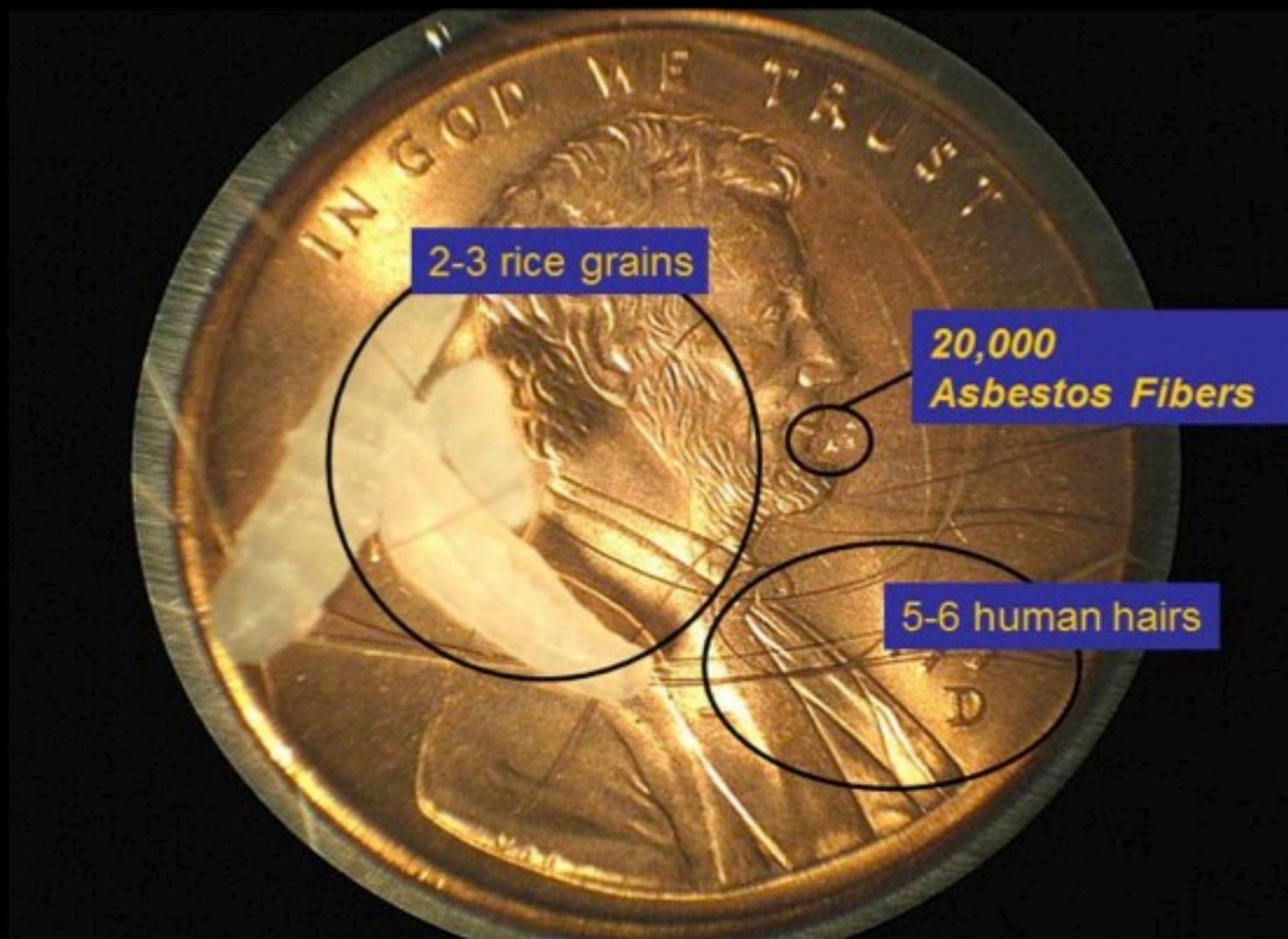


May 2005

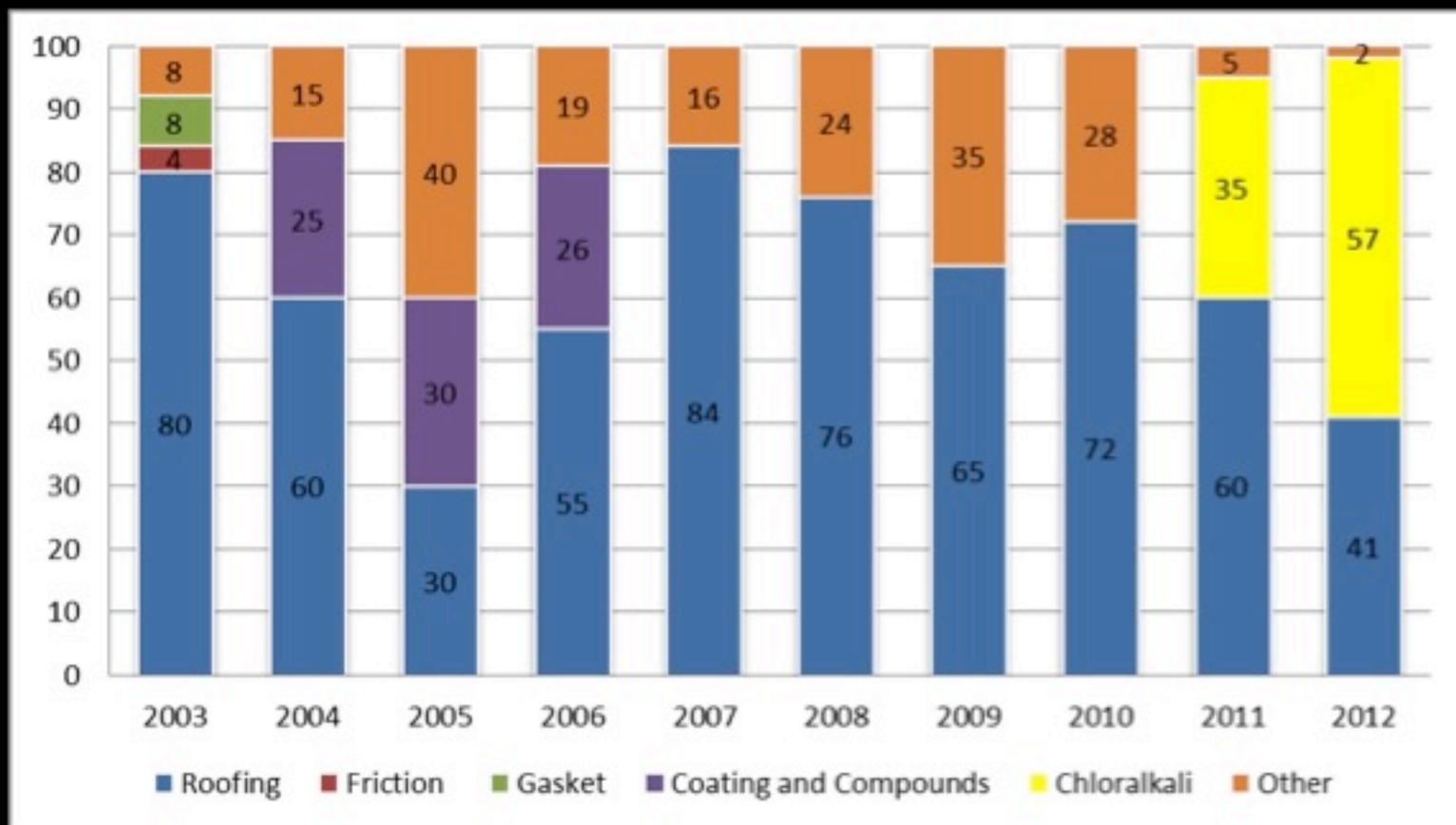


May 2006

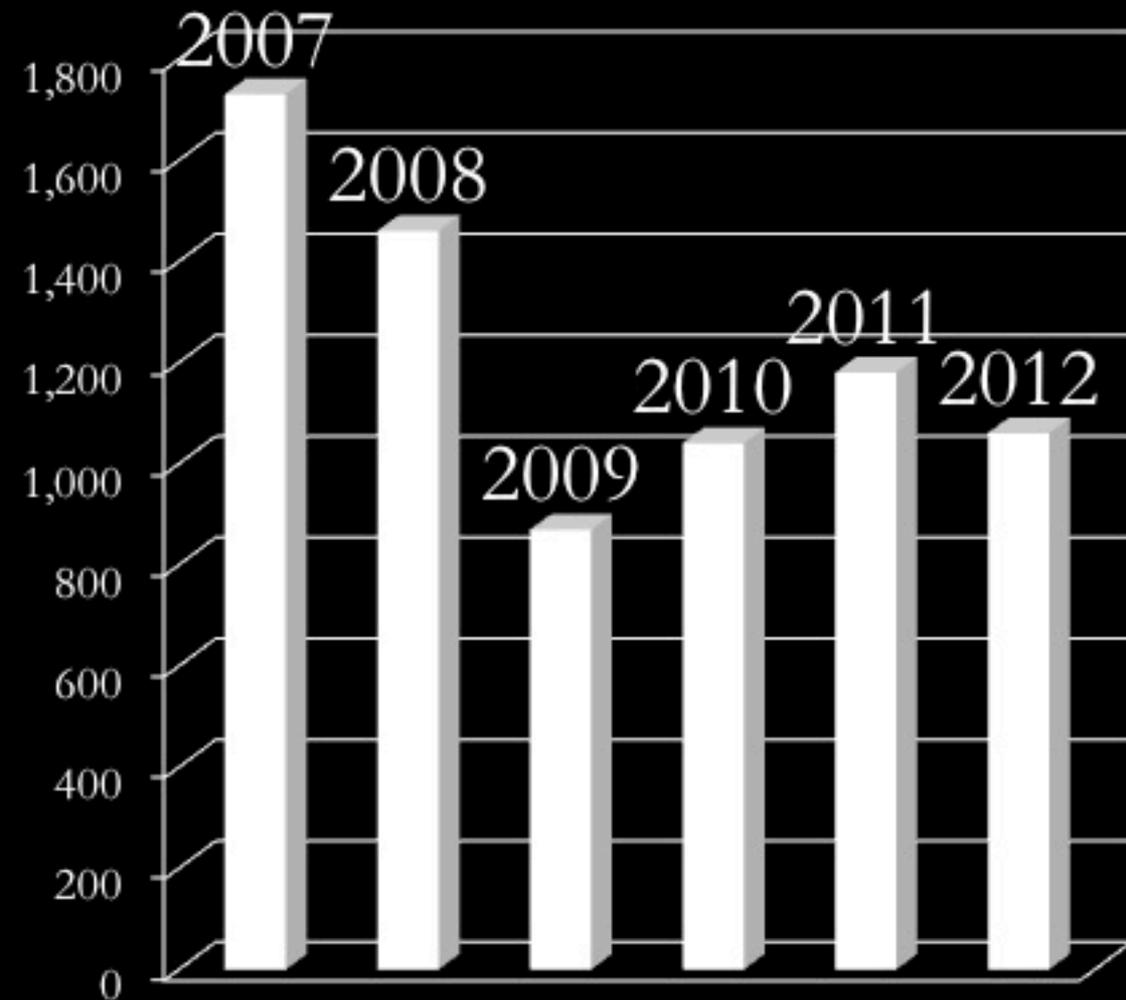
How Small is Asbestos?



Percentage of U.S. Imported Asbestos Usage by Industry Sector (2003 – 2012)



U.S. Asbestos Consumption and Ports of Entry



Commodity:
252490 Asbestos,
Excluding Crocidolite

Ports of Entry:

- New Orleans, LA
- Houston, TX
- Long Beach, CA
- Newark, NJ

Brazil Port-level Imports
Data Retrieved: 04/02/2013

Source: USGS

U.S. Asbestos Exposure Continues



Consumer

Joplin, Missouri Tornado (2011)
2,600 Tons of Asbestos Removed



Environmental



Occupational

Consumer Exposure



2012 Asbestos Mitt Sold in U.S.A.



2007 ADAO Product Testing Results

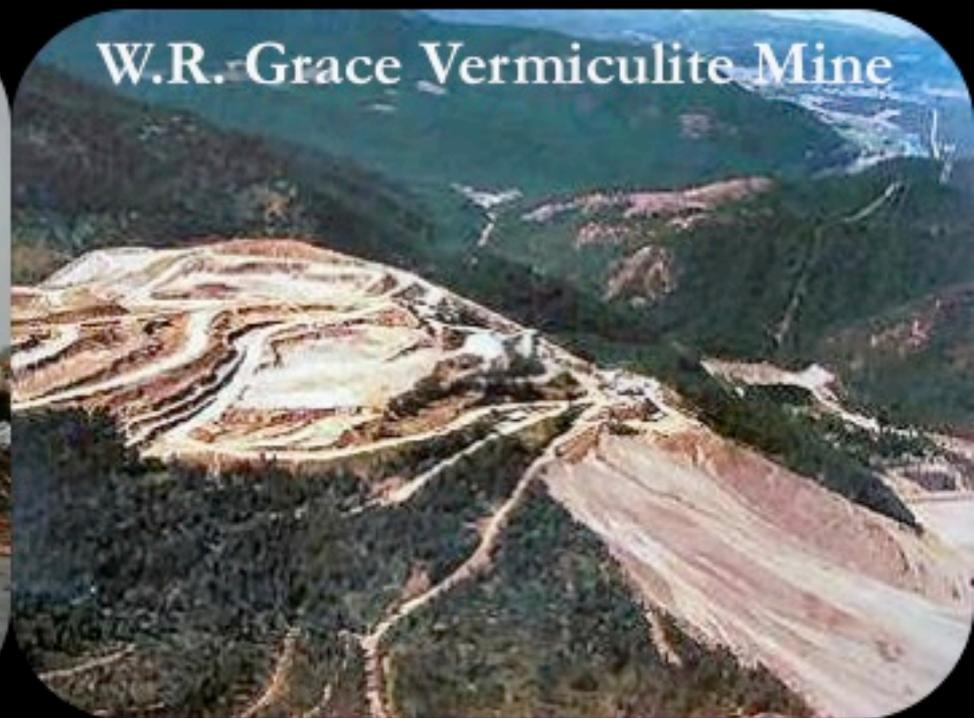
Environmental Exposure: Natural and Man-Made Disasters

Joplin, Missouri Tornado (2011)
2,600 Tons of Asbestos Removed



Joplin, MO

W.R. Grace Vermiculite Mine



Libby, MT

Occupational Exposure

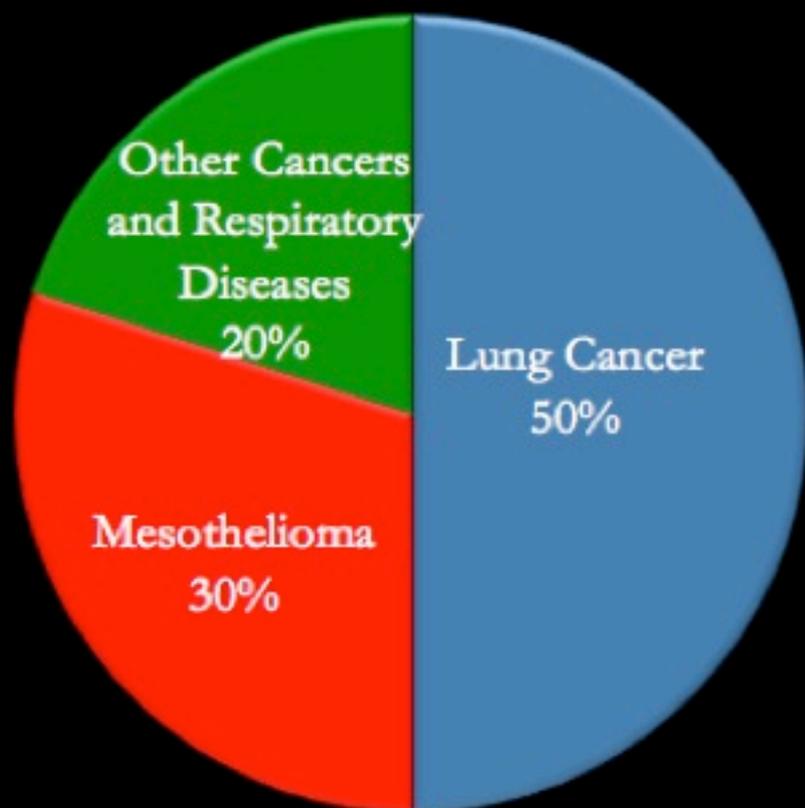


World Trade Center Disaster 9.11.2001



Under the Steps of the Capitol

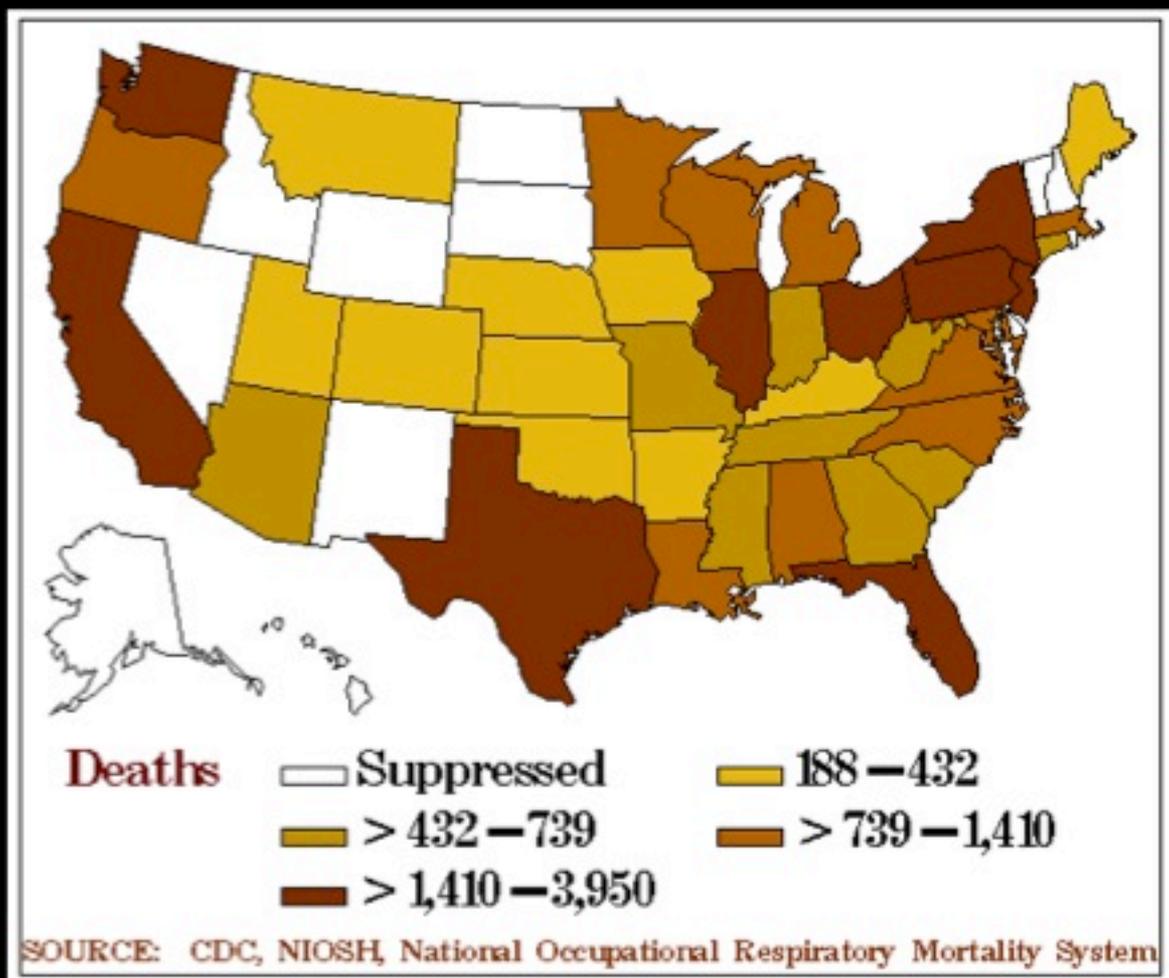
Annual U.S. Asbestos-Related Deaths



10, 000 Americans die annually from asbestos-related disease

- Lung cancer – 5,000 deaths
- Mesothelioma – 3,000 deaths
- Other cancers and Respiratory Diseases – 2,000 deaths

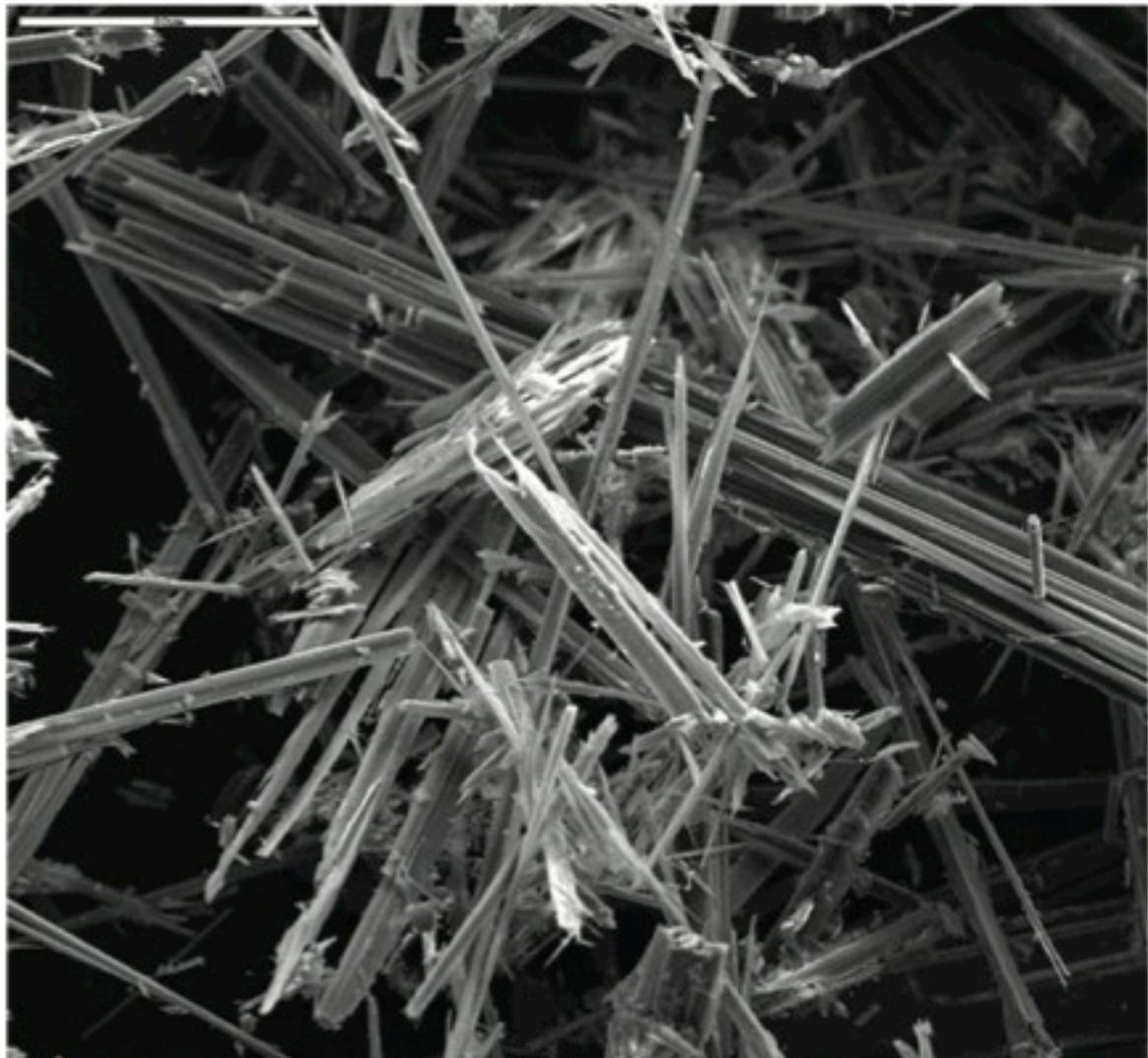
43,464 Mesothelioma and Asbestosis Deaths in the USA from 2000- 2010



TOP FIVE STATES

1. California
2. Pennsylvania
3. Florida
4. Texas
5. New York

The only two
ways to end
asbestos-caused
diseases are
prevention and
a cure



www.AsbestosDiseaseAwareness.org

S. 1009 Fails to Protect Public Health



S. 1009:

- Fails to ban asbestos
- Excludes the names of dangerous toxic chemicals, such as “asbestos”
- Unreasonable burden of proof
- Fails to establish a statutory deadline for the EPA to review chemicals or take appropriate action
- Paralyzes states from the ability to enforce existing laws



To:

The President of the United States
The U.S. Senate
The U.S. House of Representatives

Ban Asbestos, Save Lives. Sign the Petition to the United States Congress.

The World Health Organization, the International Agency for Research on Cancer, the United States Environmental Protection Agency, the United States Public Health Service and the U.S. Surgeon General agree: asbestos is a human carcinogen and there is no safe level of asbestos exposure. Asbestos-related diseases claim the lives of more than 10,000 Americans every year, and occupational, environmental, and consumer asbestos exposure continues. The facts are irrefutable, yet the United States has failed to ban asbestos and continues to import asbestos to manufacture asbestos-containing products, even though safe substitutes exist.

THEREFORE, we join with the Asbestos Disease Awareness Organization (ADAAO) in urging Congress to:

- Expedite action to ban asbestos imports
- Ban the manufacture, sale and export of asbestos and asbestos-containing products
- Enforce existing Environmental Protection Agency (EPA), Consumer Product Safety Commission (CPSC), Occupational Safety and Health Administration (OSHA), and Mine Safety and Health Administration (MSHA) regulations designed to protect men, women, and children from asbestos exposure
- Direct research funding to the United States Department of Health and Human Services to identify those at risk for asbestos-related disease, develop better treatments, and find a cure

We, the undersigned, support the petition to urge the United States Congress to take immediate action to protect public health and ban asbestos.

Name	City	State	Zip Code	Country	Signed On
Linda Reinstein	Redondo Beach,	California	90266		7/8/13
Cortney Segmen	West Bloomfield	Michigan	48322	United States	7/8/13
Dominique Clark	Redondo Beach	California	90278	United States	7/8/13
Victoria Crowder	Rushville	Indiana	46173	United States	7/8/13
Epifania Aurora Costanzo			35030	Italy	7/8/13
claire tewson	Beeston		NG9 2ED	United Kingdom	7/8/13
laura auciello	San Tan Valley	Arizona	85143	United States	7/8/13
Robin Kuhn	Rushville	Indiana	46173	United States	7/8/13
Michael McAlister	Shelbyville	Indiana	46176	United States	7/8/13
Aimee Lykins	Rushville	Indiana	46173	United States	7/8/13
Erika Ferrell	Shelbyville	Indiana	46176	United States	7/8/13
mavis nye	Canterbury			United Kingdom	7/8/13
Cindy Fee	Rushville	Indiana	46173	United States	7/8/13
Hannah Clifford	Rushville	Indiana	46173	United States	7/8/13
Nigel Williams	Ystradgynlais		SA9 1EL	United Kingdom	7/8/13
Tina Bailey	Rushville	Indiana	46173	United States	7/8/13
Vickie Davis	Rushville	Indiana	46173	United States	7/8/13
carissa cameron	Rushville	Indiana	46173	United States	7/8/13
Denise Payne	Rushville	Indiana	46173	United States	7/8/13
Danniella Banks	Rushville	Indiana	46173	United States	7/8/13
sandy singleton	Indianapolis	Indiana	46254	United States	7/8/13
angela caulfield	London			United Kingdom	7/8/13
Carrie McNamara	Manchester	Iowa	52057	United States	7/8/13
Melinda Thompson	Rushville	Indiana	46173	United States	7/8/13
Carol Meckes	Rushville	Indiana	46173	United States	7/8/13
sheri mccane	Rushville	Indiana	46173	United States	7/8/13
Kylena Browning	Rushville	Indiana	46173	United States	7/8/13
Trevor Hofer	Noblesville	Indiana	46060	United States	7/8/13
Shirley McNamara	Cedar Rapids	Iowa	52402	United States	7/8/13
April Abrams	Rushville	Indiana	46173	United States	7/8/13
Daisha Abdulnoor	West Bloomfield Township	Michigan	48322	United States	7/8/13
Jennifer Gelsick	Saint Marys	Pennsylvania	15857	United States	7/8/13
Rosalie healey	Wallsal				7/8/13
Mark Catlin	Columbia	Maryland	21044	United States	7/8/13
Rebecca Shearburn	Fort Smith	Arkansas	72901	United States	7/8/13

Teresa Dea	Center Point	Iowa	52213	United States	7/8/13
Amanda Wiley	Holton	Indiana	47023	United States	7/8/13
Regina Sharp	Arlington	Indiana	46104	United States	7/8/13
Adam Buckley	Rushville	Indiana	46173	United States	7/8/13
Megan Stewart	Carthage	Indiana	46115	United States	7/8/13
Torrie Murphy	Waynesville	North Carolina	28785	United States	7/8/13
Sarah Schlechtweg	Rushville	Indiana	46173	United States	7/8/13
Ann Samuelson	Seaside	Oregon	97138	United States	7/8/13
Leonna Fox-Reinhardt	Shelbyville	Indiana	46176	United States	7/8/13
Bennie Cameron	Rusville	Indiana	46173	United States	7/8/13
joanne lippert	west miffilin	Pennsylvania	15122	United States	7/8/13
Joann miller	Glenwood	Indiana	46133	United States	7/8/13
Gloria Long	Anderson	Indiana	46012	United States	7/8/13
Kimberly Withrow	Louisville	Kentucky	40210	United States	7/8/13
Stephanie Glickman	Richmond	Indiana	47374	United States	7/8/13
Daniel Bedel	Rushville	Indiana	46173	United States	7/8/13
Krista Tanksley	Indianapolis	Indiana	46203	United States	7/8/13
Steven Morgan	Glenwood	Indiana	46133	United States	7/8/13
annie browder	greensburg	Indiana	47240	United States	7/8/13
Jan Faust	OR	Oregon	97103	United States	7/8/13
Joyce Morrell	Arlington	Indiana	46104	United States	7/8/13
Lori Jacobs	Shelbyville	Indiana	46176	United States	7/8/13
bob reecer	sarasota	Florida	34203	United States	7/8/13
Lydia Porter	Rushville	Indiana	46173	United States	7/8/13
katrinna schacht	alexandria	Indiana	46001	United States	7/8/13
Jean Engle	New Castle	Indiana	47362	United States	7/8/13
Kevin Shook	Rushville	Indiana	46173	United States	7/8/13
sara smith	rushville	Indiana	46173	United States	7/8/13
Lillo Mendola			70126	Italy	7/8/13
Bryn Baggaley	Derby		De21 4gx	United Kingdom	7/8/13
Amanda Horn	Shelbyville	Indiana	46176	United States	7/8/13
Jaime Montgomery	Rushville	Indiana	46173	United States	7/8/13
Kristin Massa	Fishers	Indiana	46037	United States	7/8/13
Heidi Morris	Rushville	Indiana	46173	United States	7/8/13
Christine McKitrick	Franklin	Indiana	46131	United States	7/8/13
wayne sharp	nottingham		ng11 8js	United Kingdom	7/8/13
Darlene Garrison	Gray	Kentucky	40734	United States	7/8/13
Rebecca Schutt	Rushville	Indiana	46173	United States	7/8/13

Lisa Grattidge	england				7/8/13
Pam Steed	Milroy	Indiana	46156	United States	7/8/13
Anne-Marie Cameron	Glenwood	Indiana	46133	United States	7/8/13
Shawna Pierce	Rushville	Indiana	46173	United States	7/8/13
Angie Bane	Rushville	Indiana	46173	United States	7/8/13
Marie Godar	Waldron	Indiana	46182	United States	7/8/13
Tonya Ervine	Rushville	Indiana	46173	United States	7/8/13
Richard Mosca	West Nyack	New York	10994	United States	7/8/13
Johnna Arnett	Greensburg	Indiana	47240	United States	7/8/13
Charles Stout	Arlington	Indiana	46104	United States	7/8/13
ANN WATERS	Derbyshire		SK23 OLH	United Kingdom	7/8/13
Rebecca Gattis	Shelbyville	Indiana	46176	United States	7/8/13
Candice Kennedy	Greensburg	Indiana	47240	United States	7/8/13
Kim Hill	Arlington	Indiana	46104	United States	7/8/13
Kristina Curtis	Rushville	Indiana	46173	United States	7/8/13
Brian Cain	Rushville	Indiana	46173	United States	7/8/13
Tonya Burris	Greenwood	Indiana	46143	United States	7/8/13
Frieda Byrd	Macon	Georgia	31210	United States	7/8/13
CHRISTINE WINTER	Darlington			United Kingdom	7/8/13
Stacie Padgett	Rushville	Indiana	46173	United States	7/8/13
Michelle Neuman	Rushville	Indiana	46173	United States	7/8/13
Leuceta Denney	cincinnati	Ohio	45248	United States	7/8/13
Raya Bodnarchuk	Glen Echo	Maryland	20812	United States	7/8/13
Penny McElfresh	Rushville	Indiana	46173	United States	7/8/13
Brooke Huskins	Rushville	Indiana	46173	United States	7/8/13
Angela Leisure	Indianapolis	Indiana	46250	United States	7/8/13
christina goveia	bloomington	Indiana	47404	United States	7/8/13
susan macy	spiceland	Indiana	47385	United States	7/8/13
Erica Watson	Greenfield	Indiana	46140	United States	7/8/13
Levi Yager	Rushville	Indiana	46173	United States	7/8/13
April Bennett	Rushville	Indiana	46173	United States	7/8/13
Michelle Trail	Orange	California	92867	United States	7/8/13
terry britton	bradford				7/8/13
Leanna Rennekamp	Rushville	Indiana	46173	United States	7/8/13
Amy Newbold	Madisonville	Tennessee	37354	United States	7/8/13
Mike Remy	Indianapolis	Indiana	46203	United States	7/8/13
Marjie Giffin	Indianapolis	Indiana	46226	United States	7/8/13
Michelle Duffy	Rushville	Indiana	46173	United States	7/8/13
angela turner	Shelbyville	Indiana	46176	United States	7/8/13

Jennifer Gossett	Rushville	Indiana	46173	United States	7/8/13
Beth Sparks	Rushville	Indiana	46173	United States	7/8/13
Susan Arnold	Mendocino	California	95460	United States	7/8/13
Brenda Elliott	Shelbyville	Indiana	46176	United States	7/8/13
Michael Carsey	Westerville	Ohio	43081	United States	7/8/13
Tracy Boyd	yukon	Oklahoma	73099	United States	7/8/13
Heather Nash	Carlsbad	California	92011	United States	7/8/13
Andrew Bedel	Rushville	Indiana	46273	United States	7/8/13
Jennifer Miller	Rushville	Indiana	46173	United States	7/8/13
Kelly Pandoli	Greenwood	Indiana	46143	United States	7/8/13
angela stark	muncie	Indiana	47303	United States	7/8/13
joseph mcnamara	ryan	Iowa	52330	United States	7/8/13
Guadalupe Aguilar Madrid			6760	Mexico	7/8/13
Karen Giesting	Hurst	Illinois	62949	United States	7/8/13
Christine Whitaker	Indianapolis	Indiana	46240	United States	7/8/13
Sandra Taylor	montreal		h8y 3l7	Canada	7/8/13
Connie Martin	Rushville	Indiana	46173	United States	7/8/13
Carina Cameron	Rushville	Indiana	46173	United States	7/8/13
Marissa Coffin	Rushville	Indiana	46173	United States	7/8/13
Jean Barrow	Rushville	Indiana	46173	United States	7/8/13
amber beard	rushville	Indiana	46173	United States	7/8/13
Nona Adams	Rushville	Indiana	46173	United States	7/8/13
Callie Young	Waldron	Indiana	46182	United States	7/8/13
Marcia Cameron	Rushville	Indiana	46173	United States	7/8/13
Tammy Jackman	Milroy	Indiana	46156	United States	7/8/13
Kimberly Hunt	Homer	Indiana	46146	United States	7/8/13
Todd Click	Rushville	Indiana	46173	United States	7/8/13
Chris Rupp	Indianapolis	Indiana	46240	United States	7/8/13
sandy leising	rushville	Indiana	46173	United States	7/8/13
Allison Blind	Plainfield	Illinois	60585	United States	7/8/13
Lora Frymoyer	Mohnton	Pennsylvania	19540	United States	7/8/13
Brad Morgan	Rushville	Indiana	46173	United States	7/8/13
Brian Hawkins	Springville	Indiana	47462	United States	7/8/13
Bernice Meyer	Rushville	Indiana	46173	United States	7/8/13
Erica Bedel	Auburn	Kentucky	42206	United States	7/8/13
Billie Koger	Rushville	Indiana	46173	United States	7/8/13
Krisi Cregar	Rushville	Indiana	46173	United States	7/8/13
Justin Tague	columbus	Ohio	43202	United States	7/8/13
Marcos Machado	Costa Rica				7/8/13
Sam Teague	Counce	Tennessee	38326	United States	7/8/13
Candice McDaniel	Rushville	Indiana	46173	United States	7/8/13
Jerry Haynes	Rushville	Indiana	46173	United States	7/8/13

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"United for Asbestos Disease Awareness, Education, Advocacy, Prevention, Support and a Cure"
1525 Aviation Boulevard, Suite 318 · Redondo Beach · California · 90278 · 310.437.3886
www.AsbestosDiseaseAwareness.org

Kylie Markley	Shelbyville	Indiana	46176	United States	7/8/13
Rick Cameron	Rushville	Indiana	46173	United States	7/8/13
Vicky Walker	Rushville	Indiana	46173	United States	7/8/13
nicole frye	Rushville	Indiana	46173	United States	7/8/13
Vilma Lopez	Carolina	Puerto Rico	987	United States	7/8/13
Lorena Tacco			20037	Italy	7/8/13
Janet Graeff	Murphysboro	Illinois	62966	United States	7/8/13
Jaymie Bedel	Seguin	Texas	78155	United States	7/8/13
Kelley Reynolds	Shelbyville	Indiana	46176	United States	7/8/13
Doreen Bunt	Rockford	Illinois	61114	United States	7/8/13
mary hepton	Sunderland			United Kingdom	7/8/13
Bobbi Jones	Rushville	Indiana	46173	United States	7/8/13
Alisha Boley	Russellville	Kentucky	42276	United States	7/8/13
Jordan Wadle	Connersville	Indiana	47331	United States	7/8/13
Warren Shuppert	Shelbyville	Indiana	46176	United States	7/8/13
Danielle Kadri	Rushville	Indiana	46173	United States	7/8/13
Melissa Cameron	Clayton	Indiana	46118	United States	7/8/13
Shenia Schlosser	Indianapolis	Indiana	46219	United States	7/8/13
Jaime Moore	Rushville	Indiana	46173	United States	7/8/13
Karena Binder	Rushville	Indiana	46173	United States	7/8/13
Susan Owen	Halesowen		B63 2LB	United Kingdom	7/8/13
Tracey Mawdsley	cumbria		la13 9hw	United Kingdom	7/8/13
Terri Vanover	Rushville	Indiana	46173	United States	7/8/13
keitha miller	Rushville	Indiana	46173	United States	7/8/13
Floyd Cameron	Rushville	Indiana	46173	United States	7/8/13
Joni Degner	Columbus	Indiana	47201	United States	7/8/13
Sue Howell	Manchester			United Kingdom	7/8/13
Pam Stewart	Indpls	Indiana	46229	United States	7/8/13
Emily Cain	Rushville	Indiana	46173	United States	7/8/13
Lou (Louise) Williams			3441	Australia	7/8/13
Daly Jones	Shelbyville	Indiana	46176	United States	7/8/13
Cathy Chandler	thousand oaks	California	91360	United States	7/8/13
Aylissa Miller	Rushville	Indiana	46173	United States	7/8/13
Linda Neeley	Shelby	Ohio	44875	United States	7/8/13
Stephanie Moore	Rushville	Indiana	46173	United States	7/8/13
nicci Tracy	Rushville	Indiana	46173	United States	7/8/13
Bruce Griffey	Booneville	Arkansas	72927	United States	7/8/13
Rebecca Sallee	Rushville	Indiana	46173	United States	7/8/13

Ellen Patton	Millersville	Maryland	21108	United States	7/8/13
Polly Boore	Tyrone	Pennsylvania	16686	United States	7/8/13
misty shearburn	fort smith	Arkansas	72901	United States	7/8/13
Victoria Stone	New Palestine	Indiana	46163	United States	7/8/13
Christina Cappel	Mechanicsville	Virginia	23116	United States	7/8/13
Heather Pennabaker	New Paris	Pennsylvania	15554	United States	7/8/13
Karen Krambeck	Davenport	Iowa	52804	United States	7/8/13
Tonya Buckley	Rushville	Indiana	46173	United States	7/8/13
Bonnie Anderson	Berkeley Heights,	New Jersey	7922	United States	7/8/13
Adonna Bailey	Freeland	Washington	98249	United States	7/8/13
Rebecca Lewington	Oxford		Ox29 4ns	United Kingdom	7/8/13
Carly Moore	Connersville	Indiana	47331	United States	7/8/13
Connie Cameron	Rushville	Indiana	46173	United States	7/8/13
Melinda Dora	Rushville	Indiana	46173	United States	7/8/13
Shelly Kozicki	Grosse Ile Township	Michigan	48138	United States	7/8/13
Polly ean Sturgeon	Rushville	Indiana	46173	United States	7/8/13
amanda henderson	Rushville	Indiana	46173	United States	7/8/13
linda yates	russellville	Kentucky	42276	United States	7/8/13
JOHN YARBOROUGH	texarkana	Texas	75501	United States	7/8/13
April Todd	Rushville	Indiana	46173	United States	7/8/13
mardena Good	rushville	Indiana	46173	United States	7/8/13
Edye Freeman	Kalona	Iowa	52247	United States	7/8/13
Jackie Dickson	Rushville	Indiana	46173	United States	7/8/13
cora ortiz	rushville	Indiana	46173	United States	7/8/13
Amanda Scheiderer	Camby	Indiana	46113	United States	7/8/13
Alisha Luckenbill	Carmel	Indiana	46033	United States	7/8/13
Jeremy Allison	New Castle	Indiana	47362	United States	7/8/13
Melissa Gregory	Franklin	Kentucky	42134	United States	7/8/13
Audrey Neuman	Rushville	Indiana	46173	United States	7/8/13
Allison Hughes	Indianapolis	Indiana	46202	United States	7/8/13
Kristy Miller	Westport	Indiana	47283	United States	7/8/13
jennifer kuhn	rushville	Indiana	46173	United States	7/8/13
Phyllis Beal	Shelbyville	Indiana	46176	United States	7/8/13
Monique Haselwood	Nicholasville	Kentucky	40356	United States	7/8/13
Kate Kuhn	Milroy	Indiana	46156	United States	7/8/13
michelle messer	franklin	Indiana	46131	United States	7/8/13
Suzanne Wickham			6111	Australia	7/8/13
Jennifer Wilson	Muncie	Indiana	47304	United States	7/8/13

herman hamilton	walkersville	Maryland	21793	United States	7/8/13
denea Jenkins	Rushville	Indiana	46173	United States	7/8/13
Christy Gray	Clinton	Tennessee	37716	United States	7/8/13
jill hornaday	wahiawa	Hawaii	96786	United States	7/8/13
Tammy Morgan	Rushville	Indiana	46173	United States	7/8/13
Amber Wyrick	Greensburg	Indiana	47240	United States	7/8/13
jolanda rankin	Rushville	Indiana	46173	United States	7/8/13
Amy DeMartino	Shelbyville	Indiana	46176	United States	7/8/13
Amy Richey	Shelbyville	Indiana	46176	United States	7/8/13
Jackie Baehrel	Mount Vernon	Ohio	43050	United States	7/8/13
Brian Vanover	Rushville	Indiana	46173	United States	7/8/13
Amanda Jones	Greensburg	Indiana	47240	United States	7/8/13
Loni Best-Pollitt	connersville	Indiana	47331	United States	7/8/13
Fernando Bejarano			56121	Mexico	7/8/13
Brent Beaver	Connersville	Indiana	47331	United States	7/8/13
Kristy Barnes	Rushville	Indiana	46173	United States	7/8/13
Edoardo Baldini			27100	Italy	7/8/13
cheryl wise	Greenwood	Indiana	46143	United States	7/8/13
Nita Fields	Rushville	Indiana	46173	United States	7/8/13
janet loveless	Shelbyville	Indiana	46176	United States	7/8/13
Casey Forsyth	Rushville	Indiana	46173	United States	7/8/13
Bryan Monroe	Indianapolis	Indiana	46234	United States	7/8/13
Shanah Nichols	Rushville	Indiana	46173	United States	7/8/13
Mark Wells	Mechanicville	New York	12118	United States	7/8/13
Opal Bradford	Strawberry Plains	Tennessee	37871	United States	7/8/13
Casey Beisel	Greensburg	Indiana	47240	United States	7/8/13
Tracy Simpkins	Rushville	Indiana	46173	United States	7/8/13
ann thomas	Pittsburgh	Pennsylvania	15235	United States	7/8/13
Annemarie Cloud	Green Bay	Wisconsin	54303	United States	7/8/13
susan lampione	burns	Oregon	97720	United States	7/8/13
Susana Mühlmann			1176	Argentina	7/8/13
Kristin Cooley	Cincinnati	Ohio	45231	United States	7/8/13
summer young	Manilla	Indiana	46150	United States	7/8/13
Brandon Jenkins	Rushville	Indiana	46173	United States	7/8/13
Aaron Reid	Indianapolis	Indiana	46217	United States	7/8/13
Shannon Sauerbry	Manchester	Iowa	52057	United States	7/8/13
Andrew Fuller	North Liberty	Iowa	52317	United States	7/8/13
Gina Martucci	Montreal		H1M 3C6	Canada	7/8/13
Craig Click	Indianapolis	Indiana	46237	United States	7/8/13
Leesa Alexander	Indianapolis	Indiana	46254	United States	7/8/13
gena elan	Indianapolis	Indiana	46280	United States	7/8/13

Amy Balting	Shelbyville	Indiana	46176	United States	7/8/13
Brittany Peters	Rushville	Indiana	46173	United States	7/8/13
Angela Pelkey	Orange city	Florida	32723	United States	7/8/13
Missy Bowles	Buffalo	West Virginia	25033	United States	7/8/13
casey beisel	Greensburg	Indiana	47240	United States	7/8/13
Amanda Tompkins	Shelbyville	Indiana	46176	United States	7/8/13
lindsey hensley	Rushville	Indiana	46173	United States	7/8/13
Shelvia Nelson	Mooresville	North Carolina	28117	United States	7/8/13
esther odriscoll	London			United Kingdom	7/8/13
chastity brown	Floyds Knobs	Indiana	47119	United States	7/8/13
patti drexler	cedar rapids	Iowa	52404	United States	7/8/13
Courtney Floyd	Ft. Wayne	Indiana	46814	United States	7/8/13
Carri Flannery	Rushville	Indiana	46173	United States	7/8/13
Elizabeth Kennedy	Rushville	Indiana	46173	United States	7/8/13
Janelle Brewer	Rushville	Indiana	46173	United States	7/8/13
Wendy Roberts	Chattanooga	Tennessee	37421	United States	7/8/13
maria gil-beroes	Caracas		1040	Venezuela, Bolivarian Republic of	7/8/13
Todd Snyder	San Francisco	California	94115	United States	7/8/13
Kimbria Workman	Rushville	Indiana	46173	United States	7/8/13
Rebekah Mackey	Danville	Indiana	46122	United States	7/8/13
Linda Cropper	Lewisburg	Kentucky	42256	United States	7/8/13
Tracie Hacker	Sunman	Indiana	47041	United States	7/8/13
marguerite stewart	toledo	Ohio	43615	United States	7/8/13
Lydia Saccone			1623	Argentina	7/8/13
Danielle Mason	Channelview	Texas	77530	United States	7/8/13
Darlene Sullivan	Greensburg	Indiana	47240	United States	7/8/13
Janet Creason	New York	New York	11104	United States	7/8/13
Kenya Robbins	Rushville	Indiana	46173	United States	7/8/13
josh keeton	Florence	Kentucky	41042	United States	7/8/13
SHANNON MEEK	RUSHVILLE	Indiana	46173	United States	7/9/13
Kimberly Milan	palos hills	Illinois	60465	United States	7/9/13
Lori Hoop	Tinley Park	Illinois	60477	United States	7/9/13
Gisela Gil	Fairfield	Connecticut	6824	United States	7/9/13
Cristy McNamara	Cedar Rapids	Iowa	52402	United States	7/9/13
kathryn yeager	summit	New Jersey	7901	United States	7/9/13
Rebecca Matthias	Van Dyne	Wisconsin	54979	United States	7/9/13
keith bennett	new castle	Indiana	47362	United States	7/9/13
fernanda core			20132	Italy	7/9/13

Barbara Green	Indianapolis	Indiana	46228	United States	7/9/13
Jennifer Palmer	West Plains	Missouri	65775	United States	7/9/13
Karen Fultz	Rushville	Indiana	46173	United States	7/9/13
Christy Naylor (Donoghue)	Westport	Indiana	47283	United States	7/9/13
linda eller	chatta.	Tennessee	37419	United States	7/9/13
Dawn Hankins	Greensburg	Indiana	47240	United States	7/9/13
Linda Nagy	west lorne		n0l2p0	Canada	7/9/13
andrew raniowski	pierrefonds		h8y3l7	Canada	7/9/13
Brenda Bryant	rshville	Indiana	46173	United States	7/9/13
Roberta House	Andersonville	Tennessee	37705	United States	7/9/13
ANNE BISHOPP	shelbyville	Indiana	46176	United States	7/9/13
sandra mansavage	cass lake	Minnesota	56633	United States	7/9/13
Doris Sanders	Edinburgh	Indiana	46124	United States	7/9/13
Gina Gawieczuk	Lutz	Florida	33548	United States	7/9/13
Allana Edwards	Richmond Hill	Georgia	31324	United States	7/9/13
Mark Cain	Shelbyville	Indiana	46176	United States	7/9/13
Todd Reynolds	Greenfield	Indiana	46140	United States	7/9/13
Christine Case	Rushville	Indiana	46173	United States	7/9/13
Mary Ann Kauffman	Osterburg	Pennsylvania	16667	United States	7/9/13
Jayshree Chander	berkeley	California	94703	United States	7/9/13
Miguel Gil	Hollywood	Florida	33024	United States	7/9/13
Candice Heinz	Knoxville	Tennessee	37921	United States	7/9/13
Beth Silcox	Westfield	Indiana	46062	United States	7/9/13
Jenna Tackett	Ashland	Kentucky	41102	United States	7/9/13
Jane Hawley	Morristown	Indiana	46161	United States	7/9/13
Rossana Tepper			5073	Australia	7/9/13
Jeff Miller	Shelbyville	Indiana	46176	United States	7/9/13
Kathy Rankin	Greensbrg	Indiana	47240	United States	7/9/13
William Ziegler	Warren	Michigan	48092	United States	7/9/13
Brenda Short	Troy	Illinois	62294	United States	7/9/13
Myriah Markley	Rushville	Indiana	46173	United States	7/9/13
Carla Sharpe	Rushville	Indiana	46173	United States	7/9/13
chris faulconer	Shelbyville	Indiana	46176	United States	7/9/13
Janet Hicks	connersville	Indiana	47331	United States	7/9/13
Lynda Considine			5008	Australia	7/9/13
Sharon Dorsey	Buffalo	West Virginia	25033	United States	7/9/13
Angela Baker	indianapolis	Indiana	46227	United States	7/9/13
Dra. Elena Kahn			11560	Mexico	7/9/13
carla neuman	Rushville	Indiana	46173	United States	7/9/13
Jennifer Lyles-	Anderson	Indiana	46017	United States	7/9/13

Dishman					
Michel Sweet	Rushville	Indiana	46173	United States	7/9/13
Brenda Tillison	Connersville	Indiana	47331	United States	7/9/13
Laurie Meckes	Rushville	Indiana	46173	United States	7/9/13
Monica Frazier	Shelbyville	Indiana	46173	United States	7/9/13
Joseph Shaw	Munising	Michigan	49862	United States	7/9/13
Heidi von Pallese	Cobourg		k9a3h4	Canada	7/9/13
Loretta Naylor	Buchtel	Ohio	45716	United States	7/9/13
Beverly York	Auburn	Kentucky	42206	United States	7/9/13
Theresa A. Rzepka	Erie	Pennsylvania	16510	United States	7/9/13
Stephanie Dimett	Greensburg	Indiana	47240	United States	7/9/13
DEbbie Sellers	Norris	Tennessee	37828	United States	7/9/13
Carrie Graunke	Fishers	Indiana	46038	United States	7/9/13
Chontelle Hockenbery	Poolesville	Maryland	20837	United States	7/9/13
Melany Smith	Milroy	Indiana	46156	United States	7/9/13
Vinnie Thomas	Shelbyville	Indiana	46176	United States	7/9/13
Lisa Selby	Adamstown	Maryland	21710	United States	7/9/13
Ashley Gonzalez	Irving	Texas	75063	United States	7/9/13
Juli Drake	Troy	Michigan	48098	United States	7/9/13
Joyce Norvell	Milroy	Indiana	46156	United States	7/9/13
Angela Gammon	Indianapolis	Indiana	46235	United States	7/9/13
Patricia Lauderdale	Arlington	Indiana	46104	United States	7/9/13
Marc Macaluso	North Ridgeville	Ohio	44039	United States	7/9/13
Brooke Lawson	Franklin	Indiana	46131	United States	7/9/13
Gianpiero Zuliani	São Bernardo do Campo			Brazil	7/9/13
Brandi Caldwell	Rushville	Indiana	46173	United States	7/9/13
Sugio Furuya			1360071	Japan	7/9/13
Lenny Goldberg	Ashland	Oregon	97520	United States	7/9/13
Al Dewey	Sarnia		n7 t4 w4	Canada	7/9/13
Becky Youngdale	Albany	Indiana	47320	United States	7/9/13
Samantha Glover	Rushville	Indiana	46173	United States	7/9/13
Regena Oliver	Knoxville	Tennessee	37938	United States	7/9/13
Susan Beaver	New Market	Virginia	22844	United States	7/9/13
Billy Swank	Rushville	Indiana	46173	United States	7/9/13
Carl Glover Jr	Rushville	Indiana	46173	United States	7/9/13
Bobbi Bice	Rushville	Indiana	46173	United States	7/9/13
Jennifer Bedel	Russellville	Kentucky	42276	United States	7/9/13
Jose Manuel Arias Rodriguez			86000	Mexico	7/9/13
Mindy Glover	Rushville	Indiana	46173	United States	7/9/13
George Koerner	Sacramento	California	95822	United States	7/9/13
Cara Moran	Rushville	Indiana	46173	United States	7/9/13

Darcy Hope	Beallsville	Maryland	20839	United States	7/9/13
Kathy Oberreuter	Ryan	Iowa	52330	United States	7/9/13
Whitney Boyer	Rushville	Indiana	46173	United States	7/9/13
Emily Kelchen	Manchester	Iowa	52057	United States	7/9/13
Sharri Wenger	Masonville	Iowa	50654	United States	7/9/13
Sandra Kinart	Sarnia		N7W 1B7	Canada	7/9/13
CeAnn McNamara	Austin	Texas	78748	United States	7/9/13
Morales Martha	San José			Costa Rica	7/9/13
Catherine Lewis	Hendersonville	Tennessee	37075	United States	7/9/13
joel shufro	Brooklyn	New York	11218	United States	7/9/13
Traci Chandler	Rushville	Indiana	46173	United States	7/9/13
Myra Bowles	Rushville	Indiana	46173	United States	7/9/13
Cathy Hankins	Greensburg	Indiana	47240	United States	7/9/13
Tamara Santiago	lewisburg	Kentucky	42256	United States	7/9/13
Luis Tuninetti			5900	Argentina	7/9/13
Kim Hunt	Burlington	Vermont	5408	United States	7/9/13
Lee Murphy	Powell	Tennessee	37849	United States	7/9/13
Jean Picone	Pittsburgh	Pennsylvania	15218	United States	7/9/13
Kelly Griffith	Rushville	Indiana	46173	United States	7/9/13
Andrea Spriggs	Shelbyville	Indiana	46176	United States	7/9/13
melissa hellyer	burlington	Vermont	5408	United States	7/9/13
Terry Smiley	San Antonio	Texas	78258	United States	7/9/13
Leah Nielsen	Lewiston	Utah	84320	United States	7/9/13
Susan Houston	Rushville	Indiana	46173	United States	7/9/13
melani ferrer	norfolk	Virginia	23504	United States	7/9/13
Amanda Paugh	Rushville	Indiana	46173	United States	7/9/13
Chris Laidley	Washington	District Of Columbia	20036	United States	7/9/13
Angela Schwier	Shelbyville	Indiana	46176	United States	7/9/13
Lawrence Gorman	Rushville	Indiana	46173	United States	7/9/13
Jennifer Isaac	Celina	Ohio	45822	United States	7/9/13
julia willis	cardiff		cf14 1dq	United Kingdom	7/9/13
Brian Mundy	Rushville	Indiana	46173	United States	7/9/13
Patrick Campbell	Hagerstown	Indiana	47346	United States	7/9/13
Leonard Seymour	Osgood	Indiana	47037	United States	7/9/13
Bennie Cameron	Rushville	Indiana	46173	United States	7/9/13
Casey Breese	Knightstown	Indiana	46148	United States	7/9/13
Rebecca Bedel- Dukes	Lewisburg	Kentucky	42256	United States	7/9/13
sadra norman	rushville	Indiana	46173	United States	7/9/13

Janice Wright	Greensburg	Indiana	47240	United States	7/9/13
Shannon funke	Manchester	Iowa	52057	United States	7/9/13
April Zunun	Rushville	Indiana	46173	United States	7/9/13
Amanda Bowhall	Wake Village	Texas	75501	United States	7/9/13
Jennifer Novek	Goodhue	Minnesota	55027	United States	7/9/13
Amanda hornaday	Rushville	Indiana	46173	United States	7/9/13
Terri Lombardi	Rosedale	Maryland	21237	United States	7/9/13
Bonita Moore	Fayette	Alabama	35555	United States	7/9/13
Sandy long	franklin	Kentucky	42134	United States	7/9/13
Carole Colca	Chino	California	91710	United States	7/9/13
Katie Bailey	Rosedale	Maryland	21237	United States	7/9/13
Robert Giam	Clinton	Tennessee		United States	7/9/13
Roxie Pryor	Madisonville	Kentucky	42431	United States	7/9/13
Tina Melford	Westwego	Louisiana	70094	United States	7/9/13
janet hankins	Milroy	Indiana	46156	United States	7/9/13
Heather Von St James	Roseville	Minnesota	55113	United States	7/9/13
Angle Jones	Canyon Lake	California	92587	United States	7/9/13
Pam Heisler	Spearfish	South Dakota	57783	United States	7/9/13
tony asuncion	Baltimore	Maryland	21225	United States	7/9/13
Tiffany woods	Troy Mills	Iowa	52344	United States	7/9/13
Laura coelho	overland park	Kansas	66215	United States	7/9/13
Mohit Gupta			110068	India	7/9/13
Susan Tebbe	Rushville	Indiana	46173	United States	7/9/13
Amber Myers	New Castle	Indiana	47362	United States	7/9/13
Christine Livingston	Clay Center	Kansas	67432	United States	7/9/13
Adam Weber	Hood River	Oregon	97031	United States	7/9/13
Alexis Hernandez	Crofton	Maryland	21114	United States	7/9/13
Lindsey Volk	Crofton	Maryland	21114	United States	7/9/13
Emily Simmer	Scituate	Massachusetts	2066	United States	7/9/13
Julie Marlatt	Rushville	Indiana	46173	United States	7/9/13
Samantha Creach	Paola	Kansas	66071	United States	7/9/13
Sandra Estes	Worthington	Indiana	47471	United States	7/9/13
Lila Ellison	Lemmon	South Dakota	57638	United States	7/9/13
Andrew Hodson	Overland Park	Kansas	66212	United States	7/9/13
Latisha Meyer	Westport	Indiana	47283	United States	7/9/13
Jagdish Patel			390007	India	7/9/13
Kathy maiocco	Queensbury	New York	12804	United States	7/9/13
Tony Rich	Livonia	Michigan	48150	United States	7/9/13
Lisa LaFary	Milroy	Indiana	46156	United States	7/9/13
Consultoría Técnica Comunitaria AC			31290	Mexico	7/9/13
Yasiu Kruszynski	Chicago	Illinois	60613-	United States	7/9/13

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Jay Spencer			2640	Australia	7/9/13
Shelly Meadows	Springfield	Missouri	65803	United States	7/9/13
Laura Baker	St Louis	Missouri	63137	United States	7/9/13
Daniel Knapp	Overland Park	Kansas	66212	United States	7/9/13
Antoinette Bonsignore	Kirkland	Washington	98034	United States	7/9/13
Brenda Cowan	Simi Valley	California	93065	United States	7/9/13
Wilson Plain	Sarnia		N7T7H5	Canada	7/9/13
Margaret Sharkey	London, UK				7/9/13
Bob Stoker	London		SW1Y 5JH	United Kingdom	7/9/13
md catlin	Washington	District Of Columbia	20036	United States	7/9/13
Kat Burge			5000	Australia	7/9/13
Jayne Tunis	Whiteland	Indiana	46184	United States	7/9/13
Larissa Deuser	Chandler	Arizona	85286	United States	7/9/13
Tara Griffith	Shelbyville	Indiana	46176	United States	7/9/13
patty Duncan	Eureka	Missouri	63025	United States	7/9/13
Blaec Morgan	Rushville	Indiana	46173	United States	7/9/13
Jim teWaterNaude	Cape Town			South Africa	7/9/13
Jamie Bezdek	Lenexa	Kansas	66215	United States	7/9/13
Terry McIntosh	Johnstown	Pennsylvania	15905	United States	7/9/13
gail baggaley	derby		de22 4ju	United Kingdom	7/9/13
cavalli gianpaolo			15033	Italy	7/9/13
Jeff Crowe			7322	Australia	7/9/13
Edward miller	Rushville	Indiana	46173	United States	7/9/13
Ryan Darrow	Olathe	Kansas	66204	United States	7/9/13
Donita Davis	Rushville	Indiana	46173	United States	7/9/13
Shevin Hill	Arlington	Indiana	46104	United States	7/9/13
Karla Dell	Douglassville	Texas	75560	United States	7/9/13
Daniel López Marijuán			11011	Spain	7/9/13
Arturo Juarez Aguilar			6760	Mexico	7/9/13
Julie Clifford (Harr)	Rushville	Indiana	46173	United States	7/9/13
Joanne Gordon	Chesterfield			United Kingdom	7/9/13
Alejandro Moreno Sánchez			29400	Spain	7/9/13
Brandy McClaughy	Albany	Indiana	47320	United States	7/9/13
George Cantu	Austin	Texas	78746	United States	7/9/13
Ford Cruz	Crofton	Maryland	21114	United States	7/9/13
Debbie Porter	Greensburg	Indiana	47240	United States	7/9/13

Alexandra Williams	Glen Allen	Virginia	23059	United States	7/9/13
Jesús Pérez			28905	Spain	7/9/13
Kimberly Lombardi	Agawam	Massachusetts	1001	United States	7/9/13
Holly Harmon	Shelbyville	Indiana	46176	United States	7/9/13
Tom Laubenthal	Marietta	Georgia	30066	United States	7/9/13
Penny Keller	Manilla	Indiana	46150	United States	7/9/13
buffy maricle	nj	New Jersey	8512	United States	7/9/13
Carol Dorrrough	Poolesville	Maryland	20837	United States	7/9/13
Marijo Peterman	Duncansville	Pennsylvania	16635	United States	7/9/13
Jasmin P	Austin	Texas	78753	United States	7/9/13
Deborah Ripberger	Glenwood	Indiana	46133	United States	7/9/13
Cathy Creech	Liberty	Indiana	47353	United States	7/9/13
Pam Peggs	Rushville	Indiana	46173	United States	7/9/13
Stacy Miller	IN - Indiana	Indiana	46173	United States	7/9/13
Kristin Sue	Fishers	Indiana	46038	United States	7/9/13
Pedro Belmonte			30001	Spain	7/9/13
Mark Hedrick	Glen Burnie	Maryland	21061	United States	7/9/13
Alexandra Thompson	Belfast			United Kingdom	7/9/13
Guillermo Foladori	Zacatecas			Mexico	7/9/13
David Tackett	Ashland	Kentucky	41102	United States	7/9/13
Tephanie Runge	Davenport	Iowa	52804	United States	7/9/13
Dixie Meyer	Rushville	Indiana	46173	United States	7/9/13
Lynn Spiro	Philadelphia	Pennsylvania	19128	United States	7/9/13
Ronda Tylka	Greensburg	Indiana	47240	United States	7/9/13
Penne Sims	Middleton	Tennessee	38052	United States	7/9/13
Bill Springman	Connersville	Indiana	47331	United States	7/9/13
Lauren Mahan	Indianapolis	Indiana	46227	United States	7/9/13
Roi Seoage Mouriño			36201	Spain	7/9/13
Tarah Yates	Lenexa	Kansas	66215	United States	7/9/13
Michael Dennen	Sagamore	Massachusetts	2561	United States	7/9/13
Ricardo Coelho	Lenexa	Kansas	66215	United States	7/9/13
Hilary Miller	Farmington	Pennsylvania	15437	United States	7/9/13
Nicole McElligott	Coggon	Iowa	52218	United States	7/9/13
Jenny Woods	Ryan	Iowa	52330	United States	7/9/13
Leandro del Moral Ituarte			41003	Spain	7/9/13
Marianne Volk	Munhall	Pennsylvania	15120	United States	7/9/13
Elizabeth Poland	Kansas City	Missouri	64118	United States	7/9/13
Carolyn Ewens	Shawnee	Kansas	66203	United States	7/9/13
Anthony Manzi	Berlin	Connecticut	6037	United States	7/9/13
Cindy Newkirk	Falmouth	Indiana	46127	United States	7/9/13
Ryan Grinstead	Greenwood	Indiana	46143	United States	7/9/13

Stefanie Phillips	Fishers	Indiana	46037	United States	7/9/13
Jeffer Castelo Branco	Santos		11075-220	Brazil	7/9/13
Helen DeRito	Berlin	Connecticut	6037	United States	7/9/13
Melissa Holder	La Vergne	Tennessee	37086	United States	7/9/13
Angela Macedo	Wellesley	Massachusetts	2482	United States	7/9/13
Janice Couch	Olathe	Kansas	66061	United States	7/9/13
Janet Bolan	New Albany	Indiana	47150	United States	7/9/13
Megan Chandler	Rushville	Indiana	46173	United States	7/9/13
Pamela LaChance	Plainville	Connecticut	6062	United States	7/9/13
Amy Montague	Prairie Village	Kansas	66208	United States	7/9/13
Dave DeMichele	Wethersfield	Connecticut	6109	United States	7/9/13
Margaret Nichols	Lebanon	New Hampshire	3766	United States	7/9/13
Natalia Rodriguez	Bogot			Colombia	7/9/13
Tonya Bowen	St. Paul	Indiana	47272	United States	7/9/13
Melinda Kulpinski	Greensburg	Indiana	47240	United States	7/9/13
Leslie Mastin	Indianapolis	Indiana	46205	United States	7/9/13
Mary Langley	Knightstown	Indiana	46148	United States	7/9/13
FERNANDA GIANNASI	São Paulo		01050-000	Brazil	7/9/13
leah heinauer	Overland Park	Kansas	66213	United States	7/9/13
Vickie COLLYER	Lisle	Illinois	60532	United States	7/9/13
Mary Stites	McCordsville	Indiana	46055	United States	7/9/13
Kelly Schmidt	Overland Park	Kansas	66221	United States	7/9/13
Lisa Holloman	Rushville	Indiana	46173	United States	7/9/13
Cheri Haskett	Olathe	Kansas	66062	United States	7/9/13
Patti Cameron Tremper	King George	Virginia	22485	United States	7/9/13
Carissa Williams	Rushville	Indiana	46173	United States	7/9/13
Linae Smith	Marion	Iowa	52302	United States	7/9/13
David Roberts	Fulton	Missouri	65251	United States	7/9/13
Mindy Kuhn	Rushville	Indiana	46173	United States	7/9/13
Krystal Darrow	Olathe	Kansas	66062	United States	7/9/13
Shannon Hornsby	Rushville	Indiana	46173	United States	7/9/13
Jesus Ardila	Bogota		110911	Colombia	7/9/13
Shannon Thurman	Knoxville	Tennessee	37918	United States	7/9/13
April Ehrler	Greeley	Iowa	52050	United States	7/9/13
Stephanie Rice	Shelbyville	Indiana	46176	United States	7/9/13
valerie brazzell	Greensburg	Indiana	47240	United States	7/9/13
Peg McNamara	Ryan	Iowa	52330	United States	7/9/13
Vicky LeVasseur	Saint Paul	Minnesota	55106	United States	7/9/13

Lisa Marois	brooklyn	Connecticut	6234	United States	7/9/13
Kellie Rollins	Altoona	Iowa	50009	United States	7/9/13
Brenda Stamper	Lakeside	Montana	59922	United States	7/9/13
Luke Cantu	Carrollton	Texas	75006	United States	7/9/13
Luis Garcia	Alajuela			Costa Rica	7/9/13
Rafael Contreras	Cali			Colombia	7/9/13
Lori Minor	Kalona	Iowa	52247	United States	7/9/13
susan wilson	overland Park	Kansas	66221	United States	7/9/13
Amy Whetstine	Franklin	Indiana	46231	United States	7/9/13
carol robinson	dunbar	West Virginia	25064	United States	7/9/13
Stacy House	Greensburg	Indiana	47240	United States	7/9/13
Aaron Gilliam	glenwood	Indiana	46133	United States	7/9/13
Heather Branson	Shelbyville	Indiana	46176	United States	7/9/13
david bedel	Auburn	Kentucky	42206	United States	7/9/13
Heather Coelho	Lenexa	Kansas	66215	United States	7/9/13
Jamie Coles	Pasadena	Maryland	21122	United States	7/9/13
Mary Gilbertson	Mesa	Arizona	85201	United States	7/9/13
Alicia Hirsch	prairie Village	Kansas	66208	United States	7/9/13
Robin Bartlett	Olathe	Kansas	66061	United States	7/9/13
Doug Turner	Richmond	Indiana	47374	United States	7/9/13
BELENICE BARBOSA SANTOS	SÃO PAULO, BRASIL		5417020	Brazil	7/9/13
David C.	Sacramento	California	95825	United States	7/9/13
Julie Gregory	Annapolis	Maryland	21403	United States	7/9/13
Oscar Adan Herrera	Tegucigalpa			Honduras	7/9/13
Mariah MacKinney	Overland Park	Kansas	66212	United States	7/9/13
Donnie Hauk	Rushville	Indiana	46173	United States	7/9/13
John Bennett	Islington			United Kingdom	7/9/13
Cheryl Redmon	lenexa	Kansas	66216	United States	7/9/13
Charles Newbold	Rushville	Indiana	46173	United States	7/9/13
Mary Elizabeth Esposito	Bradford	Vermont	5033	United States	7/9/13
Rosemary Hiland	Little Canada	Minnesota	55117	United States	7/9/13
Diana Melchert	Arlington	Texas	76011	United States	7/9/13
Angel Carlson	Warren	Massachusetts	1083	United States	7/9/13
Danielle Clevenger	Rushville	Indiana	46173	United States	7/9/13
Danielle Ruegg	Boring	Oregon	97009	United States	7/9/13
Annessa Wilson	Jessup	Maryland	20794	United States	7/9/13
Melody Rice	Rushville	Indiana	46173	United States	7/9/13
Rosalba Altopiedi	Torino		10155	Italy	7/9/13
DIANA PAGE	NORWICH	Vermont	5055	United States	7/9/13

Billie Jean Falish	Millbury	Massachusetts	1527	United States	7/9/13
Alejandra Fernandez	San Jose			Costa Rica	7/9/13
KENDRA ARMEL	des moines	Iowa	50315	United States	7/9/13
lori strickland	myrtle beach	South Carolina	29588	United States	7/9/13
Debbie Johnson	Johns Creek	Georgia	30097	United States	7/9/13
Jackie Mullins	Glade Hill	Virginia	24092	United States	7/9/13
Cris Johnson	Rushville	Indiana	46173	United States	7/9/13
Meredith Beery	Overland Park	Kansas	66213	United States	7/9/13
Liza Martz	Rushville	Indiana	46173	United States	7/9/13
Joan Sauvageau	N. Grafton	Massachusetts	1536	United States	7/9/13
Melissa Williams	Huntsville	Alabama	35811	United States	7/9/13
John Caron	San Pedro	California	90274	United States	7/9/13
Andy Turner	Greenfield	Indiana	46140	United States	7/9/13
Martha Swango	Greensburg	Indiana	47240	United States	7/9/13
Bill Montgomery	Rushville	Indiana	46173	United States	7/9/13
Kelley Kirby	Marengo	Iowa	52301	United States	7/9/13
Hilda Palmer	Salford		m7 3pg	United Kingdom	7/9/13
Jessica Turner	Rushville	Indiana	46173	United States	7/9/13
carolyn black	Plymouth		PI4 7PX	United Kingdom	7/9/13
Eric Linthicum	Washington	District Of Columbia	20017	United States	7/9/13
Kelly Firenze	Belmont	Massachusetts	2478	United States	7/9/13
jbeth holt	London			United Kingdom	7/9/13
John Richard Young	East Norriton Township, Norristown, Montgomery Co.	Pennsylvania	19401-1531	United States	7/9/13
Jackie Coulbeck	Mooretown		N0N 1M0	Canada	7/9/13
Heather Gettinger	Connersville	Indiana	47331	United States	7/9/13
Tonya mottau	danville	Indiana	46122	United States	7/9/13
Beverly Manzi	Kensington	Connecticut	6037	United States	7/9/13
Jennifer Goodman	Knoxville	Tennessee	37934	United States	7/9/13
Charlene Storey	Roselle Park	New Jersey	7204	United States	7/9/13
Kathy Bowen	Burnsville	Minnesota	55306	United States	7/9/13
James Volk	Ocean Pines	Maryland	21811	United States	7/9/13
Edward Laurson	Denver	Colorado	80235	United States	7/9/13
Lauren Ross	Manchester		M20 6EU	United Kingdom	7/9/13

Alice Tolsma	Roselle Park	New Jersey	7204	United States	7/9/13
Joyce Stevens	Hueysville	Kentucky	41640	United States	7/9/13
Wilma Smith	Indianapolis	Indiana	46221	United States	7/9/13
CUAUHTEMOC ARTURO Juarez Perez			6760	Mexico	7/9/13
Melody Kaster	Rushville	Indiana	46173	United States	7/9/13
Stacy Cattran	Guelph		N1H 8K2	Canada	7/9/13
MARDEL KNIGHT	ROSEDALE	Maryland	21237	United States	7/9/13
Maranda Mullis	Rushville	Indiana	46173	United States	7/9/13
Cecilia Bianco			2000	Argentina	7/9/13
Judith Volk	ocean pines	Maryland	21811	United States	7/9/13
Patrizia Dinisi	Milano		20161	Italy	7/9/13
victor perez	Oxnard	California	93033	United States	7/9/13
mary zanger	Shelbyville	Indiana	46176	United States	7/9/13
Jodi Goldman	West Mifflin	Pennsylvania	15122	United States	7/9/13
Lilian Uber			2200	Argentina	7/9/13
Anda Bailey	San Diego	California	92101	United States	7/9/13
Anita Engle	New Castle	Indiana	47362	United States	7/9/13
DEBRA Farnsworth	Scottsdale	Arizona	85255	United States	7/9/13
Tina Gray	Maplewood	Minnesota	55119	United States	7/9/13
Janice Zagorski	Berlin	Connecticut	6037	United States	7/10/13
Anne Dygus	Kensington	Connecticut	6037	United States	7/10/13
Joyce Thompson	Rushville	Indiana	46173	United States	7/10/13
Barbara Denehy	Bristol	Connecticut	6010	United States	7/10/13
Pamela Kiniry	New Britain	Connecticut	6037	United States	7/10/13
Alice Gilliam	Clinton	Tennessee	37716	United States	7/10/13
Angie Barton	Rushville	Indiana	46173	United States	7/10/13
Bernadette Schreiner	Berlin	Connecticut	6037	United States	7/10/13
Margie Payne	Olathe	Kansas	66061	United States	7/10/13
Rick Carnicle	Manchester	Iowa	52057	United States	7/10/13
Irene Klingemann	Mauston	Wisconsin	53948	United States	7/10/13
Robin Sanzo	Kensington	Connecticut	6037	United States	7/10/13
Melissa Coleridge	Fort Worth	Texas	76109	United States	7/10/13
Catherine Benson	Tottenham		LoG 1W0	Canada	7/10/13
lisa gugliemini	bradenton	Florida	34205	United States	7/10/13
Meagan Jensen	Davis	California	95616	United States	7/10/13
Linda Guillot	Westwego	Louisiana	70094	United States	7/10/13
candi hatin	bradford	Vermont	5033	United States	7/10/13
Kristin Samuelson	Portland	Oregon	97229	United States	7/10/13
Christine VanderWal	Oakland	New Jersey	7436	United States	7/10/13

Christine Smith Oxford	Leesburg	Virginia	20176	United States	7/10/13
Michael Shaneyfelt	Birmingham	Alabama	35235-2115	United States	7/10/13
Kimberly Babin	Nashville	Tennessee	37211	United States	7/10/13
Marilyn Amento	Ambler	Pennsylvania	19002	United States	7/10/13
emily peterson	Lake Saint Louis	Missouri	63367	United States	7/10/13
Julie Key	Alma	Arkansas	72921	United States	7/10/13
Stephanie Byrd	Prattville	Alabama	36067	United States	7/10/13
Rachel Shaneyfelt	Trussville	Alabama	35173	United States	7/10/13
Cindy Burke	Cumming	Georgia	30041	United States	7/10/13
nick Matthews	Riva	Maryland	21140	United States	7/10/13
Joan Lichterman	Oakland	California	94609	United States	7/10/13
Sandra Vella	Springfield	Massachusetts	1108	United States	7/10/13
Margaret Sharkey	LONDON			United Kingdom	7/10/13
Dianna Pavey	Rushville	Indiana	46173	United States	7/10/13
Kerry Glass	Odenville	Alabama	35120	United States	7/10/13
Stephen Embry	Lyme	Connecticut	6371	United States	7/10/13
Christine Manzi	Berlin	Connecticut	6037	United States	7/10/13
Barbara Niedzwiecki	Kensington	Connecticut	6037	United States	7/10/13
silvana buján			7600	Argentina	7/10/13
Carlos Vicente			1727	Argentina	7/10/13
deanna griffey	booneville	Arkansas	72927	United States	7/10/13
catherine devitt	tiverton	Rhode Island	2878	United States	7/10/13
Alex Stokely	Zionsville	Indiana	46077	United States	7/10/13
Yasuyo Maeda			6650841	Japan	7/10/13
Melinda Hokey	Rushville	Indiana	46229	United States	7/10/13
Dan Somenauer	Southgate	Michigan	48195	United States	7/10/13
Jamie Miller	Berlin	Pennsylvania	15530	United States	7/10/13
Angel Llerena			9/1/71	Ecuador	7/10/13
Niccolò Bruna			10153	Italy	7/10/13
Jill Cagle	Pekin	Illinois	61554	United States	7/10/13
carla sharp	springville	Alabama	35146	United States	7/10/13
chris casebolt	Rushville	Indiana	46173	United States	7/10/13
Tracy Roe	Napoleon	Indiana	47034	United States	7/10/13
rebecca wilburn	mansfield	Ohio	44903	United States	7/10/13
SHIRLEY AMTHAUER	MOUNT VERNON	Iowa	52314	United States	7/10/13
Bonnie walden	indianapolis	Indiana	46234	United States	7/10/13
Carole Neal	Indianapolis	Indiana	46220	United States	7/10/13

Annemarie Rossmell	Vero Beach	Florida	32962	United States	7/10/13
rachel roberts	Fairland	Indiana	46126	United States	7/10/13
Marisa Jacott			3020	Mexico	7/10/13
A L	Prairie Village	Kansas	66208	United States	7/10/13
Peggy Jones	Southaven	Mississippi	38671	United States	7/10/13
veronica odriozola			1602	Argentina	7/10/13
Denise Broadus	Magnolia	Kentucky	42757	United States	7/10/13
Jimmy Rodgers	Chattanooga	Tennessee	37402-2913	United States	7/10/13
Marie Reynolds	Coventry	Connecticut	6238	United States	7/10/13
Juana Junca			29010	Spain	7/10/13
Cathy Dalton	Grapevine	Texas	76051	United States	7/10/13
John Boulton	Indianapolis	Indiana	46221	United States	7/10/13
Laura M	Overland Park	Kansas	66212	United States	7/10/13
Mindy Hertzog	Fort Lauderdale	Florida	33312	United States	7/10/13
Janet Hayden	Odenville	Alabama	35210	United States	7/10/13
Carrie Martin	McKinney	Texas	75070	United States	7/10/13
Judy Tatro	Worcester	Massachusetts	1606	United States	7/10/13
Jane Meulink	Westmont	Illinois	60559	United States	7/10/13
Susan Mann	Decatur	Georgia	30030	United States	7/10/13
Anthony Bromley	Crest Hill	Illinois	60403	United States	7/10/13
Seth Isander Wahlberg			06 000	France	7/10/13
Karen Kenngott, RN, BSN. CCRN	Gowanda	New York	14070	United States	7/10/13
Aline Win	Rio de Janeiro			Brazil	7/11/13
Jordan Zevon	Los Angeles	California	90025	United States	7/11/13
Lisa Dixon	Fort Worth	Texas	76244	United States	7/11/13
Wendy Dean	Bristol	Connecticut	6010	United States	7/11/13
Brad Broussard	Baton Rouge	Louisiana	70808-5411	United States	7/11/13
Jim Gordon	Mineville		B2Z 1K2	Canada	7/11/13
Angie Shroyer	Bethelridge	Kentucky	42516	United States	7/11/13
Phil Thompson	Papillion	Nebraska	68046	United States	7/11/13
Chandra Abston	Shelbyville	Indiana	46176	United States	7/11/13
Valarie Dixon	Okemah	Oklahoma	74859	United States	7/11/13
Rhona Schwartz	Gaithersburg	Maryland	20878	United States	7/11/13
DIANNE BURKHART-KUNKEL	Pittsburgh	Pennsylvania	15236	United States	7/11/13
Amy Lyness	North Liberty	Iowa	52317	United States	7/11/13
Alex Messinger	burlington	Vermont	5408	United States	7/11/13

Jessica Blazina	Phoenix	Arizona	85029	United States	7/11/13
Robert Thames	Ormond Beach	Florida	32174	United States	7/11/13
Susan Hutson	columbus	Indiana	47201	United States	7/11/13
Markus Strobl	Rushville	Indiana	IN 46173	United States	7/11/13
fabian alvarez			980	Mexico	7/11/13
Erika Ferrell	shelbyville	Indiana	46176	United States	7/11/13
Jorge Bielsa			50007	Spain	7/11/13
Linda Allen	Rushville	Indiana	46173	United States	7/11/13
SALVADOR RUIZ			29009	Spain	7/11/13
Sebas Jimenez			51	Germany	7/11/13
Brenda Lara Markus	Guatemala			Guatemala	7/11/13
Paco Puche			29012	Spain	7/11/13
Shelley Gompers	Dayton	Ohio	45424	United States	7/11/13
Genezareth Miranda	Ciudad de México		15820	Mexico	7/11/13
Kelly Gerloff	Burleson	Texas	76028	United States	7/11/13
Charlene Strohmeyer	Goose Creek	South Carolina	29445	United States	7/11/13
Enrico Ferraris			16000	France	7/11/13
Jennifer Davsion	Lomita	California	90717	United States	7/11/13
Anne Davison	Redondo Beach	California	90277	United States	7/11/13
Jennifer Brown	Columbia Fls	Montana	59912	United States	7/11/13
Carina Zuniga	San José			Costa Rica	7/11/13
Tina Jones-Monroy	Lakewood	California	90713	United States	7/11/13
Jil Vaughn	Kemah	Texas	77565	United States	7/11/13
Matthew Davison	Redondo Beach	California	90277	United States	7/11/13
natalie woodward	united kingdom				7/11/13
Eddie Wong	Chester	Maryland	21619	United States	7/11/13
Michael Laidley	Brooklyn	New York	11222	United States	7/11/13
Russell DiDona	Brooklyn	New York	11217	United States	7/11/13
Tabetha Jones	Lakewood	California	90713	United States	7/11/13
Sonia Carrasco	Gardena	California	90248	United States	7/11/13
Franklyn Dahzy	union city	New Jersey	7087	United States	7/11/13
Jemma Walker	Derby		De39lu	United Kingdom	7/11/13
LENA GRIFFITH	SAN PEDRO	California	90731	United States	7/11/13
Geralynn Loomis	Santa Rosa	California	95404	United States	7/11/13
Fred Victoria	Los Angeles	California	90731	United States	7/11/13
Minda Harrison	Carson	California	90745	United States	7/11/13
Teri Scroggins	Plano	Texas	75024	United States	7/11/13

Ruth Bridges	Derby		DE3 9GS	United Kingdom	7/11/13
zoe froget	Guatemala			Guatemala	7/11/13
Bernardo López-Acevedo	San Juan, Puerto Rico				7/11/13
Diana Vindas	St Mary		#31	Jamaica	7/12/13
Wendy Monroy Stavros	Lomita	California	90717	United States	7/12/13
Christopher Monroy	Long Beach	California	90815	United States	7/12/13
Amy Holt	Indianapolis	Indiana	46217	United States	7/12/13
Gary Stain	Lakewood	California	90713	United States	7/12/13
Cristina Perez			3020	Mexico	7/12/13
Jenna Stain	Seal Beach	California	90740	United States	7/12/13
Don Bunt	Rockford	Illinois	61114	United States	7/12/13
Erika Hidalgo	San Jose			Costa Rica	7/12/13
Elena Ferrarese			20142	Italy	7/12/13
Pam Boland	Grovetown	Georgia	30813	United States	7/12/13
ALVARO OLMOS	Cochabamba, Cochabamba, Bolivia				7/12/13
sherryann pardee	riverside	California	92503	United States	7/12/13
Brandon Manning	Shelbyville	Indiana	46176	United States	7/12/13
Angelica Valente	São Paulo			Brazil	7/12/13
Jody Dyerfox	Dallas	Texas	75214	United States	7/12/13
Brittany WIGGINGTON	Indianapolis	Indiana	46202	United States	7/12/13
lorraine garcia	Long Beach	California	90807	United States	7/12/13
matt davison	Lomita	California	90717	United States	7/12/13
Sarah Marchisin	Noblesville	Indiana	46062	United States	7/12/13
Deborah Carpe	East Brookfield	Massachusetts	1515	United States	7/12/13
Kelli Esposito	Lancaster	California	93534	United States	7/12/13
Susan gauthier	Denham Springs	Louisiana	70706	United States	7/13/13
Becky Borgerding	Fishers	Indiana	46037	United States	7/13/13
Renee Barlow	Indianapolis	Indiana	46203	United States	7/13/13
Marci Ping	Rushville	Indiana	46173	United States	7/14/13
Suzan Alparslan	Santa Monica	California	90403	United States	7/14/13
Deborah Schechter	Chicago	Illinois	60645	United States	7/14/13
Nancy Grocox	Columbus	Indiana	47201	United States	7/15/13
Elisha Skeen	Rushville	Indiana	46173	United States	7/15/13
Angela Shah	Indianapolis	Indiana	46268	United States	7/15/13
Linda Ingrid Lundgren	Elgin	Illinois	60123	United States	7/15/13
Amy Martin	Rushville	Indiana	46173	United States	7/15/13

michael riley	quincy	Massachusetts	2171	United States	7/15/13
Sharon S Bailey	Richardson	Texas	75081	United States	7/15/13
rhonda lawford	morris	Illinois	60450-7373	United States	7/15/13
john Rivera	cliffside Park	New Jersey	7010	United States	7/15/13
L. Glasner	New York	New York	10025-6515	United States	7/15/13
Britt Butler	Pittsburgh	Pennsylvania	15201	United States	7/15/13
marly Wexler	San Diego	California	92103	United States	7/15/13
PAUL Turner	Kingsport	Tennessee	37664	United States	7/15/13
Maureen Ogden	Davie	Florida	33325	United States	7/15/13
Samantha Viau	Lebanon	Connecticut	6249	United States	7/15/13
Rita Moran	Largo	Florida	33750	United States	7/15/13
Kathy Bentley	Baltimore	Maryland	21234	United States	7/15/13
Frank Louvis	Montclair	New Jersey	7043	United States	7/15/13
Jeri Zerr	SAINT PETERS	Missouri	63376	United States	7/15/13
Rachel Cowan	NY	New York	10001	United States	7/15/13
Kenneth Green	Somers	New York	10589-1802	United States	7/15/13
alaa mohammed	Palos Hills	Illinois	60465	United States	7/15/13
Walt Daniels	Mohegan Lake	New York	10547	United States	7/15/13
Steven Schroeder	Warren	Michigan	48092	United States	7/15/13
Tabatha S.	Warren	Michigan	48089	United States	7/15/13
V.S. Anderson	Candler	North Carolina	28715	United States	7/15/13
Kathryn Vitek	Oakland	Maryland	21550	United States	7/15/13
Heather Correa	Falmouth	Maine	4105	United States	7/15/13
roger wiesmeyer	nashville	Tennessee	37206	United States	7/15/13
K Holmdahl	Durango	Colorado	81301-3999	United States	7/15/13
Gloria Christal	Los Angeles	California	90024	United States	7/15/13
David Perkins	Wilkesboro	North Carolina	28697	United States	7/15/13
Pamela CURRAN	London	Michigan	N5W 2J2	United States	7/15/13
Stephanie Gardner	Ypsilanti	Michigan	48197	United States	7/15/13
Sara Lucinda Rohrs	Columbia	Missouri	65203	United States	7/15/13
Rod Hughes	Gainesville	Florida	32608	United States	7/15/13
Michele Shave	Newport News	Virginia	23608	United States	7/15/13
Paola Natale	Morganville	New Jersey	7751	United States	7/15/13
Beverly J Shatteen	Los Angeles	California	90020	United States	7/15/13
Deborah Baker	Brighton	Massachusetts	2135	United States	7/15/13
Brit Hying	Menomonie	Wisconsin	54751	United States	7/15/13
kat deyamert	Eclectic	Alabama	36024	United States	7/15/13

Philip Cheng	New York	New York	10038	United States	7/15/13
Elizabeth Grainger	Claremont	California	91711	United States	7/15/13
Jason Harris	Hartselle	Alabama	35640	United States	7/15/13
Richard Wilkins	Winter Park	Florida	32792	United States	7/15/13
Brenda Crowe	Nevada	Ohio	44849	United States	7/15/13
mary bost	hempstead, ny	Alabama	11550	United States	7/15/13
Sarah M	Shepherdstown	West Virginia	25443	United States	7/15/13
Anne Carpenter	Ann Arbor	Michigan	48105	United States	7/15/13
Joanne Wagner	Madison	Wisconsin	53711	United States	7/15/13
Roxanna Djifroudi	Davis	California	95618-7132	United States	7/15/13
Brian Buckely	Columbia	Maryland	21044	United States	7/15/13
Stephen VoPava	Long Beach	California	90853	United States	7/15/13
Douglas McCreddie	Wakefield	Rhode Island	2880	United States	7/15/13
Thomas Lee	Carrboro	North Carolina	27510	United States	7/15/13
wanda kelley	michigan city	Indiana	46360	United States	7/15/13
Kerri Magee	Rockville Centre	New York	11570	United States	7/15/13
Paul Horne	Boynton Beach	Florida	46217	United States	7/15/13
Erika Bales	Hillsborough	North Carolina	27278	United States	7/15/13
Tracy Fox	Gaylord	Michigan	49735	United States	7/15/13
E.S. SCHLOSS	NY	New York	10128-3768	United States	7/15/13
Kim Grondin	Springvale	Maine	4083	United States	7/15/13
Tim McNemar	Hesperia	California	92345	United States	7/15/13
Mary Jean Cunningham	Philadelphia	Pennsylvania	19129	United States	7/15/13
Muhammad Ali Abbasi	Ballerup	Alabama	2750	United States	7/15/13
Ramiz MacBale	West Linn	Oregon	97068	United States	7/15/13
Jon Powell	Chapel Hill	North Carolina	27514	United States	7/15/13
Louise Fishman	New York	New York	10011	United States	7/15/13
Natalie Agliata	Jacksonville	Florida	32256	United States	7/15/13
Matt Shand	Marietta	Georgia	30067	United States	7/15/13
Anna Engdahl	Hankins	New York	12741	United States	7/15/13
Michael VanScyoc	Lynnwood	Washington	98037	United States	7/15/13
Wynne Corson	Chicago	Illinois	60657-3221	United States	7/15/13
Sharon Chartier	Hammond	New York	13646	United States	7/15/13
Kimberly White	Oakland	California	94609	United States	7/15/13
Kelly Sutton	Anahiem	California	92804	United States	7/15/13
Debbie Nelson	Timonium	Maryland	21093	United States	7/15/13
Lisa Kasperski	branford	Connecticut	6405	United States	7/15/13

Chris Casper	Madison	Wisconsin	53719	United States	7/15/13
Bill Henry	Angola	New York	14006-9251	United States	7/15/13
JPatrick McClure	Santa Cruz	California	95060	United States	7/15/13
Elizabeth Katz	South Salem	New York	10590	United States	7/15/13
Janie Carey	Aiken	South Carolina	29803	United States	7/15/13
Ellen Hecht	Albany	California	94706	United States	7/15/13
Pam Scoville	Hewitt	New Jersey	7421	United States	7/15/13
michael bugbee	battle creek	Michigan	49017	United States	7/15/13
Timothy Shelley	Kennett Square	Pennsylvania	19348	United States	7/15/13
Frank Hill	North Hollywood	California	91601	United States	7/15/13
shanitka jones	Montgomery	Alabama	36105	United States	7/15/13
Mark Jenkins	Piscataway	New Jersey	08854-3410	United States	7/15/13
desiree milheiser	north babylon	New York	11703	United States	7/15/13
Dorothy Kethler	Ranchos de Taos	New Mexico	87557	United States	7/15/13
Linda Jones	Ontario	California	91762	United States	7/15/13
Cory Rahmberg	New Orleans	Louisiana	70117	United States	7/15/13
Gloria Picchetti	Chicago	Illinois	60657-5753	United States	7/15/13
Linda Boyle	Redding	California	96002	United States	7/15/13
Ellen Hall	Mount Prospect	Illinois	60056	United States	7/15/13
Deborah Love	Asheville	North Carolina	28806-9074	United States	7/15/13
Charlotte Grillot	New York	New York	10019	United States	7/15/13
Michael Klausung	Nitro	West Virginia	25143	United States	7/15/13
Dana Loew	Leominster	Massachusetts	1453	United States	7/15/13
Robin Lorentzen	Caldwell	Idaho	83607	United States	7/15/13
Linda Cross	Las Vegas	Nevada	89121	United States	7/15/13
Jennifer Byrnes	Minoa	New York	13116	United States	7/15/13
Eric Guimbellot	New Orleans	Louisiana	70123	United States	7/15/13
michael andrade	san jose	California	95138	United States	7/15/13
Dennis Ledden	Rancho Murieta	California	95683	United States	7/15/13
Elizabeth F.	Round Rock	Texas	78683	United States	7/15/13
Lesley Pleasant	Evansville	Indiana	47714	United States	7/15/13
Linda Sullivan	chicago	Illinois	60640	United States	7/15/13
Helen Hanna	Sacramento	California	95864	United States	7/15/13
A Burrows	Boulder	Colorado	80301	United States	7/15/13
Jackie Demarais	Granbury	Texas	76049	United States	7/15/13
Curtorim Union			403709	United States	7/15/13
Greg Collins	Coopersville	Michigan	49404	United States	7/15/13
Sally Benbasset	Cambridge	Massachusetts	2139	United States	7/15/13

Christina Bueno	Chicago	Illinois	60625	United States	7/15/13
Phil King	Redondo Beach	California	90287	United States	7/15/13
leslie caplan	tybee island	Georgia	31328	United States	7/15/13
Sharon Johnson	Osceola	Wisconsin	54020	United States	7/15/13
cheryl Scaccio	venice	California	90291	United States	7/15/13
Daniel Goldman	Huntington	New York	11743	United States	7/15/13
Dan Danziger	Garland	Texas	75044	United States	7/15/13
Julia Kim	Porter ranch	California	91326	United States	7/15/13
Amy Perez	Germantown	Maryland	20874	United States	7/15/13
David Stetler	Everett	Washington	98208	United States	7/15/13
Bruce Anderson	Jamestown	Pennsylvania	16134	United States	7/15/13
Jonelle Ringnalda	Saint Paul	Minnesota	55104	United States	7/15/13
Arthur Firth	Salisbury	North Carolina	28146-1586	United States	7/15/13
Joan Braun	Garfield Heights	Ohio	44125	United States	7/15/13
Daniel Lipson	New Paltz	New York	12561	United States	7/15/13
Alan bixler	Sandia Park	New Mexico	87047	United States	7/15/13
David Peebler	Montclair	New Jersey	7042	United States	7/15/13
Melissa Wise	Benbrook	Texas	76132	United States	7/15/13
Marija Kovacevic	Evanston	Illinois	60202	United States	7/15/13
Dan Miner	Northridge	California	91325	United States	7/15/13
Steve Schueth	Chicago	Illinois	60657-5545	United States	7/15/13
Don White	Houston	Texas	77096	United States	7/15/13
Tina Risley	Westfield	Indiana	46062	United States	7/15/13
Joan Weaver	Chatsworth	California	91311	United States	7/15/13
Karen von Clef	Strasburg	Pennsylvania	17579	United States	7/15/13
Debbie Nelson	Spring	Texas	77373	United States	7/15/13
Paul Campbell	Nashville	Tennessee	37206	United States	7/15/13
Holly Rollins	Smyrna	Georgia	30080	United States	7/15/13
James Kehoe	Windsor		N9B 2W9	Canada	7/15/13
Alice Corson	Locustville	Virginia	23404	United States	7/15/13
wendy russell	idaho falls	Idaho	83404	United States	7/15/13
Joyce DeLutis	Englewood	Florida	34223	United States	7/15/13
Phillip Bernhardt-House	Anacortes	Washington	98221	United States	7/15/13
Jan Lee Sproat	Scottsdale	Arizona	85254	United States	7/15/13
Joanna Gill	Sunnyvale	California	94087	United States	7/15/13
Robert Aiken	Sabillasville	Maryland	21780	United States	7/15/13
Linda Davis	Sparks	Nevada	89441	United States	7/15/13
Carol Collins	Dover	Delaware	19904	United States	7/15/13

jeff duflon	clermont	Florida	34712	United States	7/15/13
BOB ROLSKY	SUQUAMISH	Washington	98392	United States	7/15/13
Soretta Rodack	New York	New York	190003	United States	7/15/13
Steve Kugler	Flagstaff	Arizona	86001	United States	7/15/13
Emily Moore	Minneapolis	Minnesota	55409	United States	7/15/13
Holly Jorgensen	Ridgefield	Connecticut	6877	United States	7/15/13
Kim Cooke	Silver Spring	Maryland	20901	United States	7/15/13
Marlene Raitt	Libby	Montana	59923	United States	7/15/13
James Cook	Waterloo	Iowa	50702	United States	7/15/13
Sarah Cole	Santa Monica	California	90404	United States	7/15/13
Joy Chambers	Worcester	Massachusetts	1603	United States	7/15/13
Sarah Hafer	Sacramento	California	95864-2639	United States	7/15/13
Chip Henneman	Layton	Utah	84040	United States	7/15/13
Winnona Gaviglio	Laguna Hills	California	92653	United States	7/15/13
Bret Polish	Los Angeles	California	90034	United States	7/15/13
Deborah Duley	Mechanicsville	Maryland	20659	United States	7/15/13
Nancy Thompson	Buena Vista	Colorado	81211	United States	7/15/13
I sherwood	bham	Washington	98229	United States	7/15/13
Jaitee Pitts	Cedar City	Utah	84720	United States	7/15/13
b p	Voluntari	Iowa	77190	United States	7/15/13
Arthur Foster	Albany	New York	12202	United States	7/15/13
Michael von Sacher-Masoch	Everett	Washington	98206-5273	United States	7/15/13
Mary Khan	Austin	Texas	78704	United States	7/15/13
terry schreiber	millersburg	Pennsylvania	17061	United States	7/15/13
Jennifer Willis	San Francisco	California	94117	United States	7/15/13
Connie North	Takoma Park	Maryland	20912	United States	7/15/13
Scott Tedford	Spring Valley	California	91978	United States	7/15/13
Markie Remien	andover	New Jersey	7821	United States	7/15/13
Lisa Stone	Houston	Texas	77096	United States	7/15/13
Lisa Campeau-Fenzel	Sanford	North Carolina	27332	United States	7/15/13
K Lawson	Iowa City	Iowa	52240	United States	7/15/13
SPENCER ADAMS	LOS ANGELES	California	90034	United States	7/15/13
Ralph Zelman	Hightstown,	New Jersey	8520	United States	7/15/13
Deborah Lee Chill	Burbank	California	91506	United States	7/15/13
David Kessler	Phoenix	Arizona	85027	United States	7/15/13
Sharon Rodrigues	Fremont	California	94539	United States	7/15/13
corey fecher	marion	Indiana	46953	United States	7/15/13
Dawn Wilczek	Monee	Illinois	60449	United States	7/15/13
Horst Pfand	Port Orford	Oregon	97465	United States	7/15/13

Alexandra Corey	Buford	Georgia	30519	United States	7/15/13
Paul Ordway	Eugene	Oregon	97402	United States	7/15/13
Michael Pacholski34	Toledo	Ohio	43607	United States	7/15/13
Kirsten Larsen Mhoja	Copenhagen, DK	District Of Columbia	-	United States	7/15/13
Gloria Morotti	Bradenton	Florida	34205	United States	7/15/13
Rachael Martin	Beacon Falls	Connecticut	6403	United States	7/15/13
Caryn Cowin	South Pasadena	California	91030-3517	United States	7/15/13
Ralph Hitchcock	Berlin	Maryland	21811	United States	7/15/13
Stephanie Farkash	Aurora	Colorado	80014	United States	7/15/13
Christine Boles	Aptos	California	95003	United States	7/15/13
Maureen Barillaro	Somerville	Massachusetts	2143	United States	7/15/13
Richard Laubhan	Galena	Illinois	61036	United States	7/15/13
Leslie Kuch	Greenville	Texas	75401	United States	7/15/13
Sara J	fh	North Carolina	0	United States	7/15/13
María Niculescu	New York	New York	11373	United States	7/15/13
Linda McFadden	Gibsonia	Pennsylvania	15044	United States	7/15/13
Eric Ranvig	Acton	Massachusetts	1720	United States	7/15/13
Paul Armstrong	Frederick	Maryland	21701	United States	7/15/13
Graham Braun	Chicago	Illinois	60647	United States	7/15/13
Carl Oerke	River Edge	New Jersey	7661	United States	7/15/13
Caryn Graves	Berkeley	California	94702	United States	7/15/13
gina wiese	Minneapolis	Minnesota	55407	United States	7/15/13
Connor Williams	Grand rapids	Michigan	49503	United States	7/15/13
Sonya Sanford	Big Lake	Minnesota	55309	United States	7/15/13
Pegeen George	Norfolk	Virginia	23513	United States	7/15/13
Siobhan Grantham	Garland	Texas	75042	United States	7/15/13
Sandra Riggs	Clyde	North Carolina	28721	United States	7/15/13
Emily Sturiale	Baird	Texas	79504	United States	7/15/13
Ashley K	San Francisco	California	94122	United States	7/15/13
Morris Sandel	Austin	Texas	78702	United States	7/15/13
DEBRA CARTER	RUSHVILLE	Indiana	46173	United States	7/15/13
Eugene Labovitz	San Diego	California	92102	United States	7/15/13
Joy Barkley	Mount Airy	Maryland	21771	United States	7/15/13
phoebe wickliff	arlington	Indiana	46104	United States	7/15/13
Shannon Cowett	Chantilly	Virginia	20151	United States	7/15/13
Gabrielle Duszak	Philadelphia	Pennsylvania	19144	United States	7/15/13
Larry Baker	Camas	Washington	98607	United States	7/15/13
Lisa Pfeffer	Hayward	California	94542	United States	7/15/13
Christine Huston	Chester Springs	Pennsylvania	19425	United States	7/15/13

Robert Frey	Mamaroneck	New York	10543	United States	7/15/13
Ronald Broder	Kenmore	New York	14217	United States	7/15/13
Barbara K.	Niles	Michigan	49120	United States	7/15/13
Marie Colette Chevrier	North Gower		K0A 2T0	Canada	7/15/13
FRANN HEDGES	INDIANAPOLIS	Indiana	46217	United States	7/15/13
Kristen Goble	Danville	Illinois	61832	United States	7/15/13
Michael Tutt	Colorado Springs	Colorado	80909	United States	7/15/13
Richard Arrindell	Melbourne	Florida	32935	United States	7/15/13
Doug Nelson	Broomfield	Colorado	80020	United States	7/15/13
Carl Nylund	Grandview	Missouri	64030	United States	7/15/13
David Hurwitz	Randolph	Vermont	5060	United States	7/15/13
Latosha Cosby	Twin City	Georgia	30471	United States	7/15/13
Jamie Thomas	Sandston	Virginia	23150-2122	United States	7/15/13
Art Green	Ypsilanti	Michigan	48197	United States	7/15/13
George Slovinski	Anoka	Minnesota	55303	United States	7/15/13
Linda Jenkins	Madison	Wisconsin	53716	United States	7/15/13
Christine Ackerson, LMT CST	SLC	Utah	84107	United States	7/15/13
elizabeth custer	doylestown	Pennsylvania	18902	United States	7/15/13
Laurel Gardner	Cedar City	Utah	84720	United States	7/15/13
C. LaBrecque	SF	California	94114	United States	7/15/13
Hans Huang	San Francisco	California	94112	United States	7/15/13
ursula majoube	sablé sur sarthe		72300	France	7/15/13
robert cote	kankakee	Illinois	60901	United States	7/15/13
Jean Wiant	Philipsburg	Pennsylvania	16866	United States	7/15/13
Angela Shroyer	Orlando	Florida	32831	United States	7/15/13
Laura Dickey	Waldwick	New Jersey	7463	United States	7/15/13
Kristi McNaulty	Morrisville	Vermont	5661	United States	7/15/13
Casey Williams	Augusta	Georgia	30909	United States	7/15/13
Sarah Gallagher	Mountville	Pennsylvania	17554	United States	7/15/13
Wendy Burks	Huntington Park	California	90255	United States	7/15/13
Denise Steen-Scully	Redmond	Washington	98052	United States	7/15/13
Jennifer Drenzo	Elk Creek	Missouri	65464	United States	7/15/13
T C	Crest Hill	Illinois	60403	United States	7/15/13
Jeff Stark	Ft. Collins	Colorado	80524	United States	7/15/13
Donia Lilly	Kapaa	Hawaii	96746	United States	7/15/13
Ilan Sandberg	new york	New York	10028	United States	7/15/13
Dennis Huppertz	Clarkston	Michigan	48348	United States	7/15/13
Hilary Herron	Littleton	Colorado	80128	United States	7/15/13
LANNA Reed	Deer Park	Texas	77536	United States	7/15/13

Linda Faulhaber	New York	New York	10024	United States	7/15/13
CHris McGinn	NY	New York	10025	United States	7/15/13
jessica miller	miami	Florida	33173	United States	7/15/13
Saralyn Sarandis	Newark	New Jersey	7106	United States	7/15/13
Christine Sepulveda	Anaheim	California	92802-4778	United States	7/15/13
June Stepansky	Woodland Hills	California	91367	United States	7/15/13
Debbie Ellis	Waleska	Georgia	30183	United States	7/15/13
Mauria McClay	Portland	Oregon	97213	United States	7/15/13
Michael Gary	Bronx	New York	10463	United States	7/15/13
Linda Burke	Clearwater	Florida	33761	United States	7/15/13
Pamela Meier	Kanab	Utah	84741	United States	7/15/13
Juanita Dawson-Rhodes	South Salem	New York	10590	United States	7/15/13
bob stonebraker	n.hills	California	91343	United States	7/15/13
Martina Nelson	Spokane Valley	Washington	99216	United States	7/15/13
John Harvey	Lebanon	Pennsylvania	17046	United States	7/15/13
Jeannie Beach	Scottsdale	Arizona	85251	United States	7/15/13
Rhonda Thomas	Winnabow	North Carolina	28479	United States	7/15/13
mike witt	Fords	New Jersey	8863	United States	7/15/13
Thomas Rummel	Los Angeles	California	90046	United States	7/15/13
Sarah Dwyer	Granger	Indiana	46530	United States	7/15/13
Esther Lee	Braintree	Massachusetts	2184	United States	7/15/13
Vanessa Morgan	Portland	Oregon	97203	United States	7/15/13
vicki ginoli	springfield	Illinois	62703	United States	7/15/13
Cecilia Kraft	Bartlett	Tennessee	38134	United States	7/15/13
Reese Forbes	Saint Louis	Missouri	63108-2869	United States	7/15/13
Marjorie Miller	snellville	Georgia	30078	United States	7/15/13
Eric Hasselman	Mullica Hill	New Jersey	8062	United States	7/15/13
Erica Wills	Independence	Oregon	97351	United States	7/15/13
Eric Bottomly	Magdalena	New Mexico	87825	United States	7/15/13
Katherine Connor McKee	Shelby	North Carolina	28150	United States	7/15/13
Richard Brown	Syracuse	Utah	84075	United States	7/15/13
Ram Busanna	Lufkin	Texas	75904	United States	7/15/13
Ryan Bradley	Greenbelt	Maryland	20770	United States	7/15/13
Dolores Gokey	Prattsburgh	New York	14873-0173	United States	7/15/13
Anne Becker	Saratoga	California	95070	United States	7/15/13
Larry Wood	Las Vegas	Nevada	89131	United States	7/15/13
Mary Schulz	Glendale Hts.	Illinois	60139-	United States	7/15/13

			3325		
Monty Hall	San Diego	California	92128	United States	7/15/13
Jacob R. Raitt	Laurel	Maryland	20707	United States	7/15/13
Erica Bettwy	Springfield	Virginia	22153	United States	7/15/13
Darley Adare	Charlotte	North Carolina	28207	United States	7/15/13
Phyllis Herbert	Bradenton	Florida	34205	United States	7/15/13
Sharona Wollman	Kansas City	Missouri	64106	United States	7/15/13
M. Dan McKirnan	San Diego	California	92109	United States	7/15/13
Ken Lucas	Gibraltar	Kentucky	GX11 1AA	Gibraltar	7/15/13
John Moszyk	St Louis	Missouri	63129	United States	7/15/13
Guy Perkins	Reno	Nevada	89519	United States	7/15/13
Jim & Lee Blanford	Wyanet	Illinois	61379	United States	7/15/13
HEIDI RAMIREZ	LOS ANGELES	California	90037	United States	7/15/13
William Nusbaum	Saint Louis Park	Minnesota	55426	United States	7/15/13
kim Garren	huntington beach	California	92649	United States	7/15/13
gaile carr	mtshasta	California	96067	United States	7/15/13
paul rasmussen	san diego	California	92104	United States	7/15/13
Ann Stickel	Whitesboro	New York	13492	United States	7/15/13
Cori Simonsen	Honolulu	Hawaii	96826	United States	7/15/13
Julia Johnson	Columbus	Ohio	43221	United States	7/15/13
walter weissman	New York	New York	10014- 2031	United States	7/15/13
Nancy Juskowich	Waynesburg	Pennsylvania	15370	United States	7/15/13
Savannah Gouvea	Eureka	California	95501	United States	7/15/13
Andrew Olsen	Culver City	California	90232	United States	7/15/13
Martin Hall	muskegon	Michigan	49441	United States	7/15/13
Brian Jones	Newport			United Kingdom	7/15/13
stephanie bass	PV	Arizona	86314	United States	7/15/13
Bill & Marilyn Voorhies	West Tremont	Maine	4612	United States	7/15/13
Gunhild Ellerbe	Stockton	California	95206	United States	7/15/13
Rachel Brazelton	Waynesburg	Pennsylvania	15370	United States	7/15/13
valarie elise stengle	san francisco	California	94127	United States	7/15/13
Rebekah Allen	Kings Mills	Ohio	45034	United States	7/15/13
Tammy Swoboda	Portland	Oregon	97206	United States	7/15/13
Josette Baysdell	Chantilly	Virginia	20152	United States	7/15/13
Karen Stickney	Lewiston	Maine	4240	United States	7/15/13
Carol Marsh	Brooklyn	New York	11215	United States	7/15/13
Edward Nattenberg	San Rafael	California	94901- 1411	United States	7/15/13

Dallas Towns	Danville	California	94526	United States	7/15/13
Glenn Staub	White Plains	New York	10601	United States	7/15/13
Debra Farbo	Sparta	New Jersey	7871	United States	7/15/13
victoria katherine	Brawley	California	92227	United States	7/15/13
Wendy Oser	Berkeley	California	94702	United States	7/15/13
Dana Smoker	Vicksburg	Michigan	49097	United States	7/15/13
Robin Brown	Katy	Texas	77450	United States	7/15/13
Martha Mattes	Tulsa	Oklahoma	74114	United States	7/15/13
JEREMY SPENCER	PORTLAND	Oregon	97212	United States	7/15/13
Lori Bei Durst	Lakeport	California	95453	United States	7/15/13
carol jagiello	bloomingtondale	New Jersey	07403-1426	United States	7/15/13
Louise Viegas	Sparta Township	New Jersey	7871	United States	7/15/13
SHARON FIEBEL	CLIFTON	New Jersey	7012	United States	7/15/13
Kylie Gallegos	Cottage Grove	Minnesota	55016	United States	7/15/13
Dagny SanMiguel	Sacramento	California	95814	United States	7/15/13
Lee Margulies	Stony Brook	New York	11790	United States	7/15/13
Matt Smiley	Manchester	Maryland	21102	United States	7/15/13
Kay Cargile	Maryville	Tennessee	37804	United States	7/15/13
William Sablove	Brookline	Massachusetts	2446	United States	7/15/13
ken price	bloomfield	New Jersey	7003	United States	7/15/13
Don Omer	The Sea Ranch	California	95497	United States	7/15/13
Marius Borca	King City	Oregon	97224	United States	7/15/13
Antonia Chianis	Blue Jay	California	92317	United States	7/15/13
Elizabeth Coley	Somerville	Massachusetts	2143	United States	7/15/13
Theresa O'toole	Shoreview	Minnesota	55126	United States	7/15/13
Bryan R Johnson	Marinette	Wisconsin	54143	United States	7/15/13
sradha durand	bainbridge island	Washington	98110	United States	7/15/13
Alex Reverman	Bellevue	Washington	98005	United States	7/15/13
janet maker	los angeles	California	90024	United States	7/15/13
trish kendall	Gardner	Massachusetts	1440	United States	7/15/13
Kelly Arellanes	Bryant	Arkansas	72022	United States	7/15/13
Denise Brennan	Auburn Hills	Michigan	48326	United States	7/15/13
Joanna Kling	Urbana	Illinois	61801	United States	7/15/13
JACOB W JONES	Grantsville	Utah	84029-9576	United States	7/15/13
Judy Whitehouse	Phoenix	Arizona	85008	United States	7/15/13
Alisienda Guastella	Valencia	California	91354	United States	7/15/13
Christine M.C.Money	Long Valley	New Jersey	7853	United States	7/15/13
Sarah Haworth	Denver	Colorado	80237	United States	7/15/13
Georgia Terp	Clifton	New Jersey	7011	United States	7/15/13

James Zalba	East Lansing	Michigan	48823	United States	7/15/13
Donya Lucas	High Point	North Carolina	27265	United States	7/15/13
Heather Lipinski	Roslyn	New York	19001	United States	7/15/13
MARCO GETO	CHESTER	Vermont	5143	United States	7/15/13
Tonya McDuell	East Point	Georgia	30344	United States	7/15/13
Athena Batsios	Nassau	New York	12123	United States	7/15/13
Felicity Hohenshelt	Jacksonville	Florida	32246	United States	7/15/13
Deborah Bratcher	Lubbock	Texas	79414	United States	7/15/13
Taaliba Rich	Raleigh	North Carolina	27609	United States	7/15/13
Nicholas Dimitriadis	NY	New York	10022	United States	7/15/13
Jesse Hudson	Santee	South Carolina	29142	United States	7/15/13
Richard Booth	Grosse Ile Township	Michigan	48138	United States	7/15/13
Margery Coffey	Rosalie	Nebraska	68055	United States	7/15/13
Kathleen Fiebel	Succasunna	New Jersey	7876	United States	7/15/13
tamarra walden	mesa	Arizona	85201	United States	7/15/13
David Brodnax	Oak Park	Illinois	60302	United States	7/15/13
Nicole Maschke	Cleveland	Ohio	44102	United States	7/15/13
Tim Ulrey	Portland	Oregon	97202	United States	7/15/13
Rachelle Shively	Shelley	Idaho	83274-1155	United States	7/15/13
Randall Tutterow	Indianapolis	Indiana	46227	United States	7/15/13
Marilyn Carse	Ann Arbor	Michigan	48103	United States	7/15/13
Letitia Noel	Chicago	Illinois	60610	United States	7/15/13
Gale Green	Madison	Wisconsin	53703	United States	7/15/13
Erin Brandon	Mill Spring	North Carolina	28756	United States	7/15/13
Nina Kinnear	Plymouth	Minnesota	55442	United States	7/15/13
David Dennis	Charlottesville,	Virginia	22903	United States	7/15/13
Jonathan Spencer	Clinton Township	Michigan	48038	United States	7/15/13
Richard Seeger	Cheboygan	Michigan	49721	United States	7/15/13
Alexandra Rooney	North Grafton	Massachusetts	01536-1821	United States	7/15/13
Anna Marie Kinney	Clifton	New Jersey	7013	United States	7/15/13
Merrilyn Zimbelmann	Saint Peters	Missouri	63376	United States	7/15/13
David English	Tillamook	Oregon	97141	United States	7/15/13
David Ruzicka	Santa Monica	California	90406	United States	7/15/13
Alice Freeman	Clay Center	Kansas	67432-1807	United States	7/15/13
joan golebiewski	rutherford	New Jersey	7070	United States	7/15/13
caroline good	sherman Oaks	California	91423	United States	7/15/13
Samuel	Milwaukee	Wisconsin	53211	United States	7/15/13

Morningstar					
Paul Chang	Glassboro	New Jersey	8028	United States	7/15/13
Keith Turner	Cave Creek	Arizona	85331	United States	7/15/13
Suzanne Pena	Fullerton	California	92835	United States	7/15/13
Diane Fiebel	Hackettstown	New Jersey	7840	United States	7/15/13
carrie franklin	sammamish	Washington	98075	United States	7/15/13
Robert W. Lukos	Watertown	Connecticut	6795	United States	7/15/13
max mensing	grand prairie	Texas	75050	United States	7/15/13
Melissa Hinderman	San Rafael	California	94901	United States	7/15/13
Willis Strickland	Southern Pines	North Carolina	28387-6651	United States	7/15/13
don somsky	castle rock	Colorado	80108	United States	7/15/13
Joan Levin Sacks	Scottsdale,	Arizona	85260	United States	7/15/13
Casey Redman	Clackamas	Oregon	97015	United States	7/15/13
Jordan Roegner	Greenwood	Indiana	46142	United States	7/15/13
Jessica McGuire	Indianapolis	Indiana	46201	United States	7/15/13
Joseph Burkett	Cary	North Carolina	27513	United States	7/15/13
Felicia Dale	Snohomish	Washington	98290-2625	United States	7/15/13
stephanie hensley	Greenwood	Indiana	46143	United States	7/15/13
Emil Scheller	Fort Lee	New Jersey	7024	United States	7/15/13
Phillip J Crabill	Highland Village	Texas	75077	United States	7/15/13
Gordon Johnston	Portland	Oregon	97217	United States	7/15/13
sayeda fazel	simi valley	California	93065	United States	7/15/13
Jared Stain	Lakewood	California	90713	United States	7/15/13
Linda Adsit	Weedsport	New York	13166	United States	7/15/13
Barbara Bennigson	Palo Alto	California	94301	United States	7/15/13
Simone Bailey	San Francisco	California	94188	United States	7/15/13
Debbie McDowell	Iowa City	Iowa	52246	United States	7/15/13
Tammi Pinckard	Aledo	Texas	76008	United States	7/15/13
Dean Ratliff	Watertown	South Dakota	57201	United States	7/16/13
Pamela Iannacone	sparta	New Jersey	7871	United States	7/16/13
Brenda Peterson	Marrero,	Louisiana	70072	United States	7/16/13
Chanda Tucker	Oklahoma City	Oklahoma	73146	United States	7/16/13
Danny Grantham	Biloxi	Mississippi	39532	United States	7/16/13
Phyllis Erwin	Guilford	Vermont	05301-7174	United States	7/16/13
Dale Hendel	Youngstown	Ohio	44511	United States	7/16/13
Christopher Koslovsky	Huntington	New York	11743	United States	7/16/13
Velibor Santic	Pittsburgh	Pennsylvania	15212	United States	7/16/13

Ernie G	Guadalupe	California	93434	United States	7/16/13
Joshua Wallman	NY	New York	10009	United States	7/16/13
Patrick Kerwin	Goldendale	Washington	98620	United States	7/16/13
Yvette Taptico	Santa Fe	New Mexico	87506	United States	7/16/13
Laura Kupczyk	Gilbert	Arizona	85298	United States	7/16/13
Doreen Catuara	tinley park	Illinois	60487	United States	7/16/13
Stephen Johnson	San Diego	California	92117	United States	7/16/13
frank belcastro	dubuque	Iowa	52001	United States	7/16/13
Fran Clarida	Phoenix	Arizona	85044	United States	7/16/13
Mark Wrobel	Willowbrook	Illinois	60527	United States	7/16/13
Andrea Whitson	San Jose	California	95118	United States	7/16/13
Sandra Zylberman	Owings Mills	Maryland	21117	United States	7/16/13
Rhonda Bradley	Crossville	Tennessee	38555	United States	7/16/13
Shelly Wallman	New York	New York	10025	United States	7/16/13
Justin Graziano	New Port Richey	Florida	34653	United States	7/16/13
Kimberly Wiley	Rochester	New York	14612	United States	7/16/13
Kelley Steele	Greenfield	Indiana	46140	United States	7/16/13
Cathy Hampton	Washington	District Of Columbia	20003	United States	7/16/13
Douglas Larkin	Washington	District Of Columbia	20001	United States	7/16/13
David Mitchell Jr.	Worcester	Massachusetts	1604	United States	7/16/13
Keith Oline	Urbandale	Iowa	50322	United States	7/16/13
Devin Henry	Nichols	New York	13812	United States	7/16/13
Donald Basham	Cape Fear	North Carolina	28401-5209	United States	7/16/13
David Sherman	Santa Rosa	California	95405	United States	7/16/13
Dianora Niccolini	New York City	New York	10075	United States	7/16/13
Tripti Srivastava	Albuquerque	New Mexico	87108	United States	7/16/13
Cynthia Purcell	Entiat	Washington	98822	United States	7/16/13
Julie Unruh	Lawrence	Kansas	66046	United States	7/16/13
Ronnie Vincent	Gig Harbor	Washington	98335	United States	7/16/13
Rebecca Heath	Lakewood	Colorado	80465	United States	7/16/13
Michelle End-Alcabas	Fort Lee	New Jersey	7024	United States	7/16/13
Melody Lambert-Smith	Tacoma	Washington	98401	United States	7/16/13
Amy Lyness	Manchester	Iowa	52057	United States	7/16/13
Teresa Jaeger	Orlando	Florida	32824	United States	7/16/13
conor soraghan	san diego	California	92107	United States	7/16/13
Shaun Marie Levin	Redwood City	California	94065	United States	7/16/13
d estrada	oregon	Oregon	97402	United States	7/16/13

J S	New City	New York	10956	United States	7/16/13
Susan Blain	Gardner	Massachusetts	1440	United States	7/16/13
betty buchanan	bakersfield	California	93308	United States	7/16/13
Minnie Boothman	Libby	Montana	59923	United States	7/16/13
leo everett	madison	Wisconsin	53716	United States	7/16/13
Sarah Hartland	north providence	Rhode Island	2911	United States	7/16/13
MICHAEL TOOBERT	GRASS VALLEY	California	95945-5745	United States	7/16/13
Doncy Falvey	Colorado Springs	Colorado	80907	United States	7/16/13
John Crotty	Manchester	Missouri	63021	United States	7/16/13
Lani Hink	Vineburg	California	95487	United States	7/16/13
Ivor Schucking	Laguna Beach	California	92651	United States	7/16/13
Cherri Hardy	Upland	California	91786	United States	7/16/13
Caroline Darst	Somerville	Massachusetts	02144-2423	United States	7/16/13
Carroll Arkema	Pompton Lakes	New Jersey	7442	United States	7/16/13
David Grigsby	Wynne	Arkansas	72396	United States	7/16/13
Ben MacDonald	Mendon	Massachusetts	1756	United States	7/16/13
Peter Kraniotakis	Flushing	New York	11354	United States	7/16/13
Steven Pape	Wallingford	Connecticut	06492-6503	United States	7/16/13
Terrie Hall	Parker	Colorado	80138	United States	7/16/13
Mike Garcia	Redondo Beach	California	90278	United States	7/16/13
Jurate Stewart	Madison	Wisconsin	53705	United States	7/16/13
Kim Bigley	Houston	Texas	77009	United States	7/16/13
Andrew Kurzweil	Brooklyn	New York	11229	United States	7/16/13
Denise Jennings	Richmond	Indiana	47374	United States	7/16/13
Denise Jennings	Richmond	Indiana		United States	7/16/13
Chadwick Wright, M.D., Ph.D.	Lewis Center	Ohio	43035	United States	7/16/13
Tracy Rummler	Moses Lake	Washington	98837	United States	7/16/13
Rhonda Holt	Miamisburg	Ohio	45342	United States	7/16/13
Jennifer Truman	Spencer	Virginia	25276	United States	7/16/13
Riley Baird	Ardmore	Oklahoma	73401	United States	7/16/13
Jennifer Cline	Pittsburgh	Pennsylvania	15239	United States	7/16/13
Paul Sinacore	Tujunga	California	91042	United States	7/16/13
Michael W Evans	Los Angeles	California	90034	United States	7/16/13
Jeffrey Schmoyer	Waterloo	New York	13165	United States	7/16/13
Laurie Miner	Brattleboro	Vermont	5301	United States	7/16/13
Lauren Jennings	Stockton	California	995219	United States	7/16/13
Paul Zook	Cedar Park	Texas	78613	United States	7/16/13
Sharon Fetter	Puyallup	Washington	98371	United States	7/16/13

Wendy Shoup	Flint	Michigan	48507	United States	7/16/13
Erik Streeter	Salem	Massachusetts	1970	United States	7/16/13
Daniel Doran	Sault Sainte Marie	Michigan	49783	United States	7/16/13
Mary Barbosa	San Rafael	California		United States	7/16/13
Syreeta Batiste	Canoga Park	California	91304-2071	United States	7/16/13
Jonathan De Souza	London		N6K 1S1	Canada	7/16/13
Ashley Harris	Woodridge	New York	12789	United States	7/16/13
T. Bradley	Winston-Salem	North Carolina	27103	United States	7/16/13
Christianna Skoczek	Kittery Point	Maine	3905	United States	7/16/13
Marietta Gorman	Woodland Park	New Jersey	7424	United States	7/16/13
Kelli Sheftic	Murrells Inlet	South Carolina	29576	United States	7/16/13
Nina Aronoff	Jamaica Plain	Massachusetts	2130	United States	7/16/13
Gulbahar Donn	Bayside	New York	11360	United States	7/16/13
Karen Graham	Battle Creek	Michigan	49014	United States	7/16/13
Eva Bianchi	Oakland	California	94601	United States	7/16/13
Angie Gabriel	Miami	Florida	33174	United States	7/16/13
amanda levitt	hamden	Connecticut	6517	United States	7/16/13
Christna Sanders	Bay City	Michigan	48708	United States	7/16/13
Phil Smith	Farmington	Michigan	48336	United States	7/16/13
Ray Mobley	Reston	Virginia	20191	United States	7/16/13
Kayla Sainato	Swampscott	Massachusetts	1907	United States	7/16/13
Douglas Waldroop	Landover	Maryland	20785	United States	7/16/13
Gabriela Lara	Bronx	New York	10460	United States	7/16/13
Paul Antony	silver spring	Maryland	20902	United States	7/16/13
olga hernandez-smith	clarksburg	Maryland	20871	United States	7/16/13
Curtis Hedges	Los Angeles	California	90042	United States	7/16/13
Bill Rosenthal	Colorado Springs	Colorado	80919	United States	7/16/13
Ryan Ricci	Annandale	Virginia	22003	United States	7/16/13
Johnny Ramirez	Peoria	Arizona	85382	United States	7/16/13
Lisa Snider	Quakertown	Pennsylvania	18951	United States	7/16/13
Margaret Silvers	Carrboro	North Carolina	27510	United States	7/16/13
Susan Ireland	Guilford	Connecticut	6437	United States	7/16/13
Nikki Bossert	North Fort Myers	Florida	33917	United States	7/16/13
Elite Wolf	Detroit	Michigan	10249	United States	7/16/13
Delores Hardin	Carrabelle,	Florida	32322	United States	7/16/13
Hans Krause	Houston	Texas	77036	United States	7/16/13
Erik Scott	Miami	Florida	33129	United States	7/16/13
steve gross	Amherst	Massachusetts	1002	United States	7/16/13
Alan Chesnutt	Chattanooga	Tennessee	37415	United States	7/16/13

Fela Richelle Eagan	NY	New York	10010	United States	7/16/13
Tamara Stanger	Glendale	Arizona	85303	United States	7/16/13
Laurel Facey	Millers Falls	Massachusetts	1349	United States	7/16/13
TJ Almerini	WG	Pennsylvania	19090	United States	7/16/13
JoAnn Diaferio	Mineola	New York	11501	United States	7/16/13
Amy Tupper	Morrisville	North Carolina	27560	United States	7/16/13
Daniel Alfafara	Warren	Michigan	48092	United States	7/16/13
Michele Cavey	Ellicott City	Maryland	21042	United States	7/16/13
Meg Kearns	Duluth	Minnesota	55803	United States	7/16/13
Nancy Soke	St. Louis	Missouri	63146	United States	7/16/13
Patrice Anita	L.A.	California	90034	United States	7/16/13
Rebecca Jacobsen	Portland	Oregon	97202	United States	7/16/13
Russell Skinner	Kimberly	Wisconsin	54136	United States	7/16/13
Susan Hathaway	Pico Rivera	California	90660	United States	7/16/13
barbara merrill	larkspur	California	94939	United States	7/16/13
Rich Giomundo	Odenton	Maryland	21113	United States	7/16/13
D S	Lecanto	Florida	34461	United States	7/16/13
Irena Calinescu	Los Angeles	California	90027	United States	7/16/13
Kira Flores	Orlando	Florida	32828	United States	7/16/13
Andrey Marks	Santa Barbara	California	93105	United States	7/16/13
shaahin bahmani	Gambrills	Maryland	21054-1770	United States	7/16/13
chris habgood	austin	Texas	78748	United States	7/16/13
Vicky Gray	la grande	Oregon	97850	United States	7/16/13
Sarah Person	jacksonville	North Carolina	28546	United States	7/16/13
Zoya Gesina	Minneapolis	Minnesota	55414	United States	7/16/13
Sami Signorino	Kokomo	Indiana	46902	United States	7/16/13
sally dorst	New York	New York	10023	United States	7/16/13
Cindy Marshall	Galveston	Texas	77551	United States	7/16/13
York Quillen	Knoxville	Tennessee	37923	United States	7/16/13
Nina Gregg	Washington	District Of Columbia	20009	United States	7/16/13
Barbara kepley	Graham	North Carolina	27253	United States	7/16/13
Donna Grossman	New York	New York	10011	United States	7/16/13
Pearl Schneider	Squires	Missouri	65755	United States	7/16/13
Denise Tomasini-joshi	Brooklyn	New York	11217	United States	7/16/13
Maria Teresa Martínez	Howell	New Jersey	7710	United States	7/16/13
Jeremy Botwinick	New York	New York	10023	United States	7/16/13
Velva Combs	Fairbanks	Alaska	99775	United States	7/16/13
Lisa Harrison	Brooklyn	New York	11209	United States	7/16/13

Samantha Latella	Rochester Hills	Michigan	48309	United States	7/16/13
Christian Hohensee	overland	Missouri	63043	United States	7/16/13
Bruce Eggum	Gresham	Wisconsin	54128-8979	United States	7/16/13
Jade Pitrucha	Baytown	Texas	77220	United States	7/16/13
Anne Curran	Sarasota	Florida	34231	United States	7/16/13
Shannon Gunter	Fallston	Maryland	21047	United States	7/16/13
Rachel Young	Grants Pass	Oregon	97527	United States	7/16/13
Avis Ogilvy	New Orleans	Louisiana	70118	United States	7/16/13
Gail Marcus	Denver	Colorado	80206	United States	7/16/13
sheila kilpatrick	virginia beach	Virginia	23454	United States	7/16/13
Meryl Pinque	Bangor	Maine	4401	United States	7/16/13
Kenneth Kroll	Port Saint Lucie	Florida	34987	United States	7/16/13
Allison Gritt	Coatesville	Pennsylvania	19320	United States	7/16/13
Kelsey Gibbons	Allentown	Pennsylvania	18104	United States	7/16/13
Jane Westlake	Center Barnstead	New Hampshire	3225	United States	7/16/13
Rita Webb	Shelton	Connecticut	6484	United States	7/16/13
Michael Ruddy	Royal Oak	Michigan	48067-1606	United States	7/16/13
Ruben Ayala	San Antonio	Texas	78261	United States	7/16/13
Gordon Rands	Macomb	Illinois	61455	United States	7/16/13
Ryan Webb	San Bernardino	California	92407	United States	7/16/13
Owen Gibbs	Westport	New York	12993	United States	7/16/13
Isaac Shamah	Nyack	New York	10960	United States	7/16/13
terri kelly	billings	Montana	59101	United States	7/16/13
Thierry Bonneville	Belfast	Maine	4915	United States	7/16/13
Ron Flesher	Reno	Nevada	89503	United States	7/16/13
tricia minter	ridgeway	Virginia	4148	United States	7/16/13
Brian Bourg	Pleasanton	California	94566	United States	7/16/13
Zach Gardner	Milton	Georgia	30004	United States	7/16/13
Ricky Melot	Fitchburg	Massachusetts	1420	United States	7/16/13
Iván Dávila	Cidra	Puerto Rico	739	United States	7/16/13
susan skibell	chicago	Illinois	60610	United States	7/16/13
Esther Garvett	Miami	Florida	33186	United States	7/16/13
Holly McDuffie	Los Angeles	California	91606	United States	7/16/13
Amy Fives	Huntington	New York	11743	United States	7/16/13
Vince Cerutti	Ann Arbor	Michigan	48104	United States	7/16/13
Martita Echevarria	Kissimmee	Florida	34758-4115	United States	7/16/13
Margarita Vockell	austin	Texas	78739	United States	7/16/13
Susan Carter	Houston	Texas	77079	United States	7/16/13

Ed FitzGerald	Natchitoches	Louisiana	71457	United States	7/16/13
Martha Williams	Burlington	North Carolina	27215	United States	7/16/13
Renee Locks	Mill Valley	California	94941-4051	United States	7/16/13
Lorena Balint	ORLANDO	Florida	32826-5341	United States	7/16/13
Jennifer Gallagher	Dunmore	Pennsylvania	18509	United States	7/16/13
Yvette Bovey	Cypress	Texas	77433	United States	7/16/13
Ginger Geronimo	Birmingham	Alabama	35215	United States	7/16/13
Faith Vakil	Rockville	Maryland	20851	United States	7/16/13
Orlando Olmo	Lake Placid	Florida	33852	United States	7/16/13
Christine Barnes	Maplewood	Minnesota	55109	United States	7/16/13
Mary Slipher	Shakopee	Minnesota	55379	United States	7/16/13
Rita Falsetto	Aguilar	Colorado	81020	United States	7/16/13
Amanda Fogelberg	Tucson	Arizona	85719	United States	7/16/13
Jon Krueger	Jackson	Michigan	49201	United States	7/16/13
Mark Poynter	Corsicana	Texas	75109	United States	7/16/13
Suzanne Valencia	West Melbourne	Florida	32904	United States	7/16/13
Greg Koshak	Larsen	Wisconsin	54947	United States	7/16/13
devonna mathews	hercules	California	94547	United States	7/16/13
adelaide smith	pittsburgh	Pennsylvania	15213	United States	7/16/13
Joe Carrera	Layton	Utah	84041	United States	7/16/13
leslie korshak	Highland park	Illinois	60035	United States	7/16/13
Kylie Tessa	Naperville	Illinois	60564	United States	7/16/13
Gregory Ross	Oklahoma City	Oklahoma	73127-5235	United States	7/16/13
TOMMY BENJAMIN	CRYSTAL LAKE	Illinois	60014	United States	7/16/13
Kenneth Quilty	Charlotte	North Carolina	28269	United States	7/16/13
Susan Biby	Omaha	Nebraska	68114	United States	7/16/13
Alex Mazza	Grayslake	Illinois	60030	United States	7/16/13
Karen Raccio	Maple Grove	Minnesota	55311	United States	7/16/13
John Mahoney	Mechanicsburg	Pennsylvania	17050	United States	7/16/13
Billiejean Betzold	Winterset	Iowa	50273-1442	United States	7/16/13
Ben Thomas	Greensboro	North Carolina	27407	United States	7/16/13
Jason Resendes	raynham	Massachusetts	2767	United States	7/16/13
Sally Oesterling	Silver Spring	Maryland	20903	United States	7/16/13
Joe powell	Larchmont	New York	10538	United States	7/16/13
maria melo	lisbon	Federated States of Micronesia	1700	United States	7/16/13
john satterfield	centereach	New York	11720	United States	7/16/13

M Randolph	Los Angeles	California	90049	United States	7/16/13
Nicolette Pawlowski	Pittsburgh	Pennsylvania	15201	United States	7/16/13
Jenna Campana	West Hartford	Connecticut	6119	United States	7/16/13
David Vargas	Fort Wayne	Indiana	46805	United States	7/16/13
Xioramys Reyes	Coral Gables	Florida	33134	United States	7/16/13
reva james-frye	san francisco	California	94115	United States	7/16/13
Mike Long	Minneapolis	Minnesota	55417	United States	7/16/13
brian haden	little rock	Arkansas	72207	United States	7/16/13
Karen Wood	St. Paul	Minnesota	55102	United States	7/16/13
David Holoboff	Calgary		T2J 3T8	Canada	7/16/13
Amanda Woods	San Diego	California	92092	United States	7/16/13
Laurie Buckley	N. Hollywood	California	91602	United States	7/16/13
Katherine Gorell	Miami	Florida	33132	United States	7/16/13
Sheryl Peterson	Katy	Texas	77494	United States	7/16/13
William Weston	Chicago	Illinois	60641	United States	7/16/13
Meghan Olafson	Lochbuie	Colorado	80603	United States	7/16/13
Edward Cobo	Portland	Oregon	97205	United States	7/16/13
Kieran Ronayne	Chicago	Illinois	60640-3120	United States	7/16/13
Robert Castillo	Placentia	California	92870	United States	7/16/13
Ruth Weedman	Longview	Washington	98632	United States	7/16/13
Ricki Jones	Simi Valley	California	93063	United States	7/16/13
Charlene Berry	Clarksville	Tennessee	37040	United States	7/16/13
Andrew Bell	Minneapolis	Minnesota	55408-4151	United States	7/16/13
Tymoteusz Osiecki	Staten Island	New York	10314	United States	7/16/13
Evelyn Jordan	Panama City	Florida	32404	United States	7/16/13
Matt Haines	DRAPER	Utah	84020	United States	7/16/13
Jessica Booker	Garner	North Carolina	27529	United States	7/16/13
Pete Bennett	Three Rivers	Michigan	49093	United States	7/16/13
Jose Martin Giron Moreno	Brookfield	Connecticut	6804	United States	7/16/13
Nancy Weekley	Katy	Texas	77450	United States	7/16/13
gary lee	stockton	California	95206	United States	7/16/13
Christopher Kornmann	Bronx	New York	10469	United States	7/16/13
LaDawn Schneider	Fort Wayne	Indiana	46815	United States	7/16/13
Will Wheeler	Fallston	Maryland	21047	United States	7/16/13
Sharma Gaponoff	Grass Valley	California	95949	United States	7/16/13
Janet Liss	Long Beach	California	90808	United States	7/16/13
Michelle Martello	Baton Rouge	Louisiana	70816	United States	7/16/13

Robert Orr	Reston	Virginia	20190	United States	7/16/13
Kim Alarie	Rapid City	South Dakota	57701	United States	7/16/13
Rebecca Burmester	Raleigh	North Carolina	27615	United States	7/16/13
Lindsey Elton	Chicago	Illinois	60625	United States	7/16/13
Ginger Echols	Austin	Texas	78759	United States	7/16/13
Jennifer Johansen	Tacoma	Washington	98408	United States	7/16/13
Deborah Winsberg	Chandler	Arizona	85248	United States	7/16/13
Frank Heller	Duluth	Minnesota	55805	United States	7/16/13
Carla Gregg	Hueytown	Alabama	35023	United States	7/16/13
osvaldo franco	new york	New York	10025	United States	7/16/13
Barbara Bondurant	LaVerne	California	91750-3567	United States	7/16/13
Michael Bornfriend	Naperville	Illinois	60565	United States	7/16/13
Chuck Aragon	Livermore	California	94550	United States	7/16/13
Mark Goldfield	Brooklyn	New York	11238	United States	7/16/13
Mary Jacoby	Gilbert	Arizona	85233	United States	7/16/13
Sophia Romagnano	Mission Viejo	California	92691	United States	7/16/13
Natalie Jaime	Westminster	Colorado	80021	United States	7/16/13
Catherine Smith	Fredericksburg	Virginia	22407	United States	7/16/13
Barbara Kilikevich	Murrieta	California	92563	United States	7/16/13
L White	Neenah	Wisconsin	54956	United States	7/16/13
Alessandra Rafferty	Jersey City	New Jersey	7307	United States	7/16/13
Harut Minasian	West Nyack	New York	10994-1720	United States	7/16/13
Susan LaForsch	Hernando	Florida	34442	United States	7/16/13
gordon miller	waterbury	Vermont	5676	United States	7/16/13
Brenda Dickson	Florissant	Colorado	80816	United States	7/16/13
Laura P	Sonoma	California	95476	United States	7/16/13
Moor Lutz	Woodinville	Washington	98072	United States	7/16/13
Diane Argenzio	Carbondale	Colorado	81623	United States	7/16/13
Anne Wilhelms	Your Town	Wisconsin	Your ZIP Code	United States	7/16/13
Valerie Coleman	Germantown	Maryland	20876	United States	7/16/13
Darold Smith	Greenville	Texas	75402	United States	7/16/13
Sheila Hutchinson	Williamsburg	Virginia	23188	United States	7/16/13
Sharon Fortunak	Cottage Grove	Minnesota	55016	United States	7/16/13
Jaime Alvarez	Sacramento	California	95838	United States	7/16/13
Debra Myers	Wayland	New York	14572	United States	7/16/13
Barbara D'Emilio	Washington	District Of Columbia	20011	United States	7/16/13
Kathryn Grace	Ithaca	New York	14850	United States	7/16/13

Angie Guevara	Framingham	Massachusetts	1702	United States	7/16/13
Helen Joe	Ossining	New York	10562-2615	United States	7/16/13
Susan Pelakh	Cocoa Beach	Florida	32931	United States	7/16/13
tanya bailey	santa ana	California	92704	United States	7/16/13
Douglas McNeill	Greenbelt	Maryland	20770-0718	United States	7/16/13
Martin Bring	Bellingham	Washington	98225	United States	7/16/13
Hung NGUYEN	IRVINE	California	92604	United States	7/16/13
Jinny Pagle	Richmond	California	94805	United States	7/16/13
Luisa Patroni	Miami Beach	Florida	33141	United States	7/16/13
Steve Johnston	DeKalb	Illinois	60115	United States	7/16/13
Drea Noll	Halifax	Pennsylvania	17032	United States	7/16/13
denise szymanski	Cary	North Carolina	27518	United States	7/16/13
Don Brake	Holland	Michigan	49424	United States	7/16/13
sonja moskalik	Madison	Wisconsin	53703	United States	7/16/13
Joni Woods	Philadelphia	Pennsylvania	19147	United States	7/16/13
Penny Waterstone	Tucson	Arizona	85719	United States	7/16/13
Tim Toman	Westmont	Illinois	60559	United States	7/16/13
Jolie Misek	Wonder Lake	Illinois	60097	United States	7/16/13
Myra Scroggs	Springfield	Missouri	65807	United States	7/16/13
Yvonne Fisher Neal	Playa del Rey	California	90293	United States	7/16/13
Joan Stiehl	Portland	Oregon	97202	United States	7/16/13
Tamara Adams	Bothell	Washington	98011	United States	7/16/13
Kahla Fischer	Bothell	Washington	98011	United States	7/16/13
Kathleen O'Connor	Allentown	Pennsylvania	18104	United States	7/16/13
chris Lehman	Austin	Texas	78704-5936	United States	7/16/13
So Allen	Charlestown	Massachusetts	2129	United States	7/16/13
Judith Obermayer	Newton	Massachusetts	2465	United States	7/16/13
Lisa Montanus	Woodstock	New York	12498	United States	7/16/13
debra woods	manteca	California	95337	United States	7/16/13
Sandra Franz	Chicago	Illinois	60657	United States	7/16/13
Buffy Schwieger	Holladay	Utah	84117	United States	7/16/13
Christelle Raphael	glendale	California	92620	United States	7/16/13
william fiebel	succasunna	New Jersey	7876	United States	7/16/13
Marguerite Winkel	Spokane	Washington	99201	United States	7/16/13
Mike Harrington	Maplewood	Minnesota	55119	United States	7/16/13
Miguel Ruan	Long Beach	California	90815	United States	7/16/13
Laura Frame	Huntington	New York	11743	United States	7/16/13
tim nowlan	lakeside	California	92040	United States	7/16/13
David A. White	Bar Harbor	Maine	4609	United States	7/16/13

Teri Stewart	Pflugerville	Texas	78660	United States	7/16/13
Erick Adelman	Portland	Oregon	97210	United States	7/16/13
Lawrence Germann	Longmont	Colorado	80503-8704	United States	7/16/13
Ed Sahagian-Allsopp	Milwaukee	Wisconsin	53208	United States	7/16/13
Dan Brook	San Jose	California	95192	United States	7/16/13
Carol Pawlak	Naperville	Illinois	60565	United States	7/16/13
Erika Carlo	Latham	New York	12110	United States	7/16/13
Claudine Beck	Siloam	North Carolina	27047	United States	7/16/13
virginia dionne	cranston	Rhode Island	2920	United States	7/16/13
Andi Van Gogh	Colorado Springs	Colorado	80915-5312	United States	7/16/13
Eileen Yellin	Phoenix	Arizona	85042	United States	7/16/13
Jesus Hernandez	St Helena	California	94574-1506	United States	7/16/13
Jenny Durand	Hermosa Beach	California	90254	United States	7/16/13
scott samuels	albany	California	94707	United States	7/16/13
Melissa Baldwin	Raleigh	North Carolina	27603	United States	7/16/13
Tina Egloff	Woods Hole	Massachusetts	2543	United States	7/16/13
Keith Koelling	Melbourne	Florida	32935	United States	7/16/13
Danielle Kolp	Beaverton	Oregon	97008	United States	7/16/13
Ingrid Femenias	Erie	Colorado	80516	United States	7/16/13
jonathan daley	Valley Village	California	91607	United States	7/16/13
Hunter Crawford	Vancouver	Washington	98685	United States	7/16/13
Justin Gall	San Diego	California	92102	United States	7/16/13
Sharon Landau	Indianapolis	Indiana	46234	United States	7/16/13
Raymond Desrochers	Fall River	Massachusetts	2721	United States	7/16/13
ignacio munoz	San Juan, Puerto Rico				7/16/13
SUSAN GRIBBON	Kailua	Hawaii	96734	United States	7/16/13
Gail McMullen	Los Angeles	California	90027-3722	United States	7/16/13
David Robson	Pawleys Island	South Carolina	29585	United States	7/16/13
John Hunter	Laguna Niguel	California	92677	United States	7/16/13
Katherine Doberne	Winnetka	California	91306	United States	7/16/13
Simon Levy	Los Angeles	California	90029	United States	7/16/13
jennifer eiffert	beaverton	Oregon	97005	United States	7/16/13
Keven Kaddi	Chicago	Illinois	60605	United States	7/16/13
Becky Coombs	Salt Lake City	Utah	83117	United States	7/16/13
Sonia Ness	Elk Grove Village	Illinois	60007-3418	United States	7/16/13

Jacob Clark	Grapevine	Texas	76051	United States	7/16/13
Patricia Chesnut	Fruita	Colorado	81521	United States	7/16/13
John Wadsworth	Portland	Oregon	97219-4811	United States	7/16/13
Jeffrey Leach	Flint	Michigan	48507	United States	7/16/13
Steven Benjamin	Rochester	New York	14607	United States	7/16/13
Robert Neda	St. Clair Shores	Michigan	48082	United States	7/16/13
Lili Byce	Atlanta	Georgia	31119	United States	7/16/13
Harriet Cavalli	Ocean Park	Washington	98640	United States	7/16/13
Donald Sirois	Fall River	Massachusetts	2723	United States	7/16/13
Maureen Parker	West Chester	Pennsylvania	19382	United States	7/16/13
Bill Hsu	San Francisco	California	94114	United States	7/16/13
Sharon Root	Marshall	Minnesota	56258	United States	7/16/13
Mariela Napolitano	East Norwich	New York	11732	United States	7/16/13
Janie Medrano	Harlingen	Texas	78550	United States	7/16/13
Iain Mackenzie	Washington	District Of Columbia	20001	United States	7/16/13
Dillon Lopatic	Middletown	Pennsylvania	17057	United States	7/16/13
erica regelin	knoxville	Tennessee	37921	United States	7/16/13
Virginia Téllez Rico			29160	Spain	7/16/13
SHIRLIE PERRY	jackson	New Hampshire	3846	United States	7/16/13
Anjelica Collins	San Antonio	Texas	78245	United States	7/16/13
ed sancious	Lihue	Hawaii	96766	United States	7/16/13
saizaun condon	costa mesa	California	92626	United States	7/16/13
John Fiebel	Hackettstown	New Jersey	7840	United States	7/16/13
Glen Anderson	Lacey	Washington	98503	United States	7/16/13
Kristyn MacPhail	Littleton	Colorado	80123	United States	7/16/13
Jean Williams	NORWOOD	Massachusetts	2062	United States	7/16/13
Grace Oh	Los Angeles	California	90026	United States	7/16/13
Jane Derbenwick	Bethlehem	Pennsylvania	18017	United States	7/16/13
tensy ciftdogan	arlington	Texas	76002	United States	7/16/13
heather sullivan	Spokane	Washington	99217	United States	7/16/13
Judith Gibson	Waynesville	North Carolina	28786	United States	7/16/13
Sandie Minasian	Porter Ranch	California	91326	United States	7/16/13
Jeanne Parzygnot	San Jose	California	95125	United States	7/16/13
Rukaiyah Abdullah	Torrance	California	90501	United States	7/16/13
Jane Ibur	St Louis	Missouri	63104	United States	7/16/13
Sandy Sibert	Winchester	Virginia	22603	United States	7/16/13
Chris Gatlin	Tulsa	Oklahoma	74136	United States	7/16/13
Sandra Manlove	Kent	Washington	98030	United States	7/16/13

Mindy Bloom	Columbia	Missouri	65202	United States	7/16/13
Jo Boies	Austin	Texas	78746	United States	7/16/13
Lesley Blocker	Nebraska City	Nebraska	68410	United States	7/16/13
Ellen Gold	Palo Alto	California	94306	United States	7/16/13
Christopher Wells	Bellingham	Washington	98225	United States	7/16/13
jeff zander	holiday	Florida	34691	United States	7/16/13
Dwight Allbee	Waverly	Iowa	50677	United States	7/16/13
Noel Moritz	San Leandro	California	94577	United States	7/16/13
Camille Gilbert	Santa Barbara	California	93101	United States	7/16/13
Daniel Alexanyan	San Francisco	California	94117	United States	7/16/13
Scott Howe	Austin	Texas	78745	United States	7/16/13
Viki Andrews	Sammamish	Washington	98074	United States	7/16/13
Herbert C. Ziegler	Yucaipa	California	92399-4612	United States	7/16/13
Clay Adams	Batavia	New York	14020	United States	7/16/13
alison Harvey	old bridge	New Jersey	8857	United States	7/16/13
Bjarne Hill	Nashville	Tennessee	37209	United States	7/16/13
kathleen Malley-Morrison	Westwood	Massachusetts	2090	United States	7/16/13
Linda Leaser	Louisville	Kentucky	40204	United States	7/16/13
Annette Bau	Tempe	Arizona	85284	United States	7/16/13
Samantha Paull	Jacksonville	Florida	32207	United States	7/16/13
Terrance Shoemaker	Parker	Colorado	80134	United States	7/16/13
Michele Reynolds	Oak Park	Michigan	48237	United States	7/16/13
Brandon Musselman	West Hollywood	California	90069	United States	7/16/13
Warren R Keller	Clearwater	Florida	33756	United States	7/16/13
Heather Kaspar	Mountain Home	Arkansas	72653	United States	7/16/13
Kayleigh H.	Middleburg	Florida	32068	United States	7/16/13
Victoria Fedalizo	Chula Vista	California	91915	United States	7/16/13
Kelsea Snell	Kernersville	North Carolina	27284-9562	United States	7/16/13
Anne Salzer	Greenland	New Hampshire	3840	United States	7/16/13
Andre Gregoire	Vernon	Connecticut	6066	United States	7/16/13
K Davis	Altoona	Wisconsin	54720	United States	7/16/13
Edie Feiste	Covington	Indiana	47932	United States	7/16/13
Marian Krewson	Bellevue	Washington	98008	United States	7/16/13
Mona Motwani	San Francisco	California	94107	United States	7/16/13
tom boyle	round lake	Illinois	60073	United States	7/16/13
kristy turnage	wittmann	Arizona	85361	United States	7/16/13

Rachel Duda	Evanston	Illinois	60202	United States	7/16/13
David Hermanns	Staten Island	New York	10301	United States	7/16/13
Susan Brown	Lexington	Kentucky	40503	United States	7/16/13
Mary Ann Sowards	San Diego	California	92129-3023	United States	7/16/13
A M Frank	Snohomish	Washington	98296-6904	United States	7/16/13
Melinda Stone	Oakland	California	94611	United States	7/16/13
Rachael Oehler	Corvallis	Oregon	97333	United States	7/16/13
Martha Spencer	Brevard	North Carolina	28712	United States	7/16/13
Celso Rossy	San Juan	Puerto Rico	901	United States	7/16/13
christopher vichiola	torrington	Connecticut	6790	United States	7/16/13
Chelsea Kinsman		New York	10463	United States	7/16/13
George Matkovits	Eden Prairie	Minnesota	55347	United States	7/16/13
Alicia Jackson	Vallejo	California	94591	United States	7/16/13
Joan Nuno	South Gate	California	90280	United States	7/16/13
Nicholas Williams	Naples	Florida	34103	United States	7/16/13
Barbara Brisson	Ogdensburg	New York	13669	United States	7/16/13
ashley scott	durham	North Carolina	27702	United States	7/16/13
anna rita barron	central lake	Michigan	49622	United States	7/16/13
Franklin Wallace	Philadelphia	Pennsylvania	19146	United States	7/16/13
Kathleen Liermann	Portland	Oregon	97211	United States	7/16/13
Anna Lin-Campbell	San Francisco	California	94109	United States	7/16/13
Maddie Geller	ghf	Delaware	77643	United States	7/16/13
Dana Monroe	San Diego	California	92104	United States	7/16/13
eric weston	fort myers	Florida	33912	United States	7/16/13
Marjorie Boggs	Berryvile	Arkansas	72616	United States	7/16/13
Corinne Di Stephan	Jamaica	New York	11432	United States	7/16/13
Barbara Mauk	Hyampom	California	96046	United States	7/16/13
Barbara Abramowitz	Brooklyn	New York	11229	United States	7/16/13
Jared Polens	North Adams	Massachusetts	1247	United States	7/16/13
cherry Schilling	Hobe Sound	Florida	33455	United States	7/16/13
Jay Hall	West Hollywood	California	90046	United States	7/16/13
gwenn meltzer	ridley park	Pennsylvania	19094	United States	7/16/13
Loan Nguyen	Kentwood	Michigan	49508	United States	7/16/13
Barbara Diederichs	Poway	California	92064	United States	7/16/13
Meryl Friedman	Brooklyn	New York	11222	United States	7/16/13
Helen Rolfe	Norfolk	Virginia	23517	United States	7/16/13
Kerry V	San Francisco	California	94114	United States	7/16/13
James Fiebel	Succasunna	New Jersey	7876	United States	7/16/13
Jeff Guay	Chewelah	Washington	99109-	United States	7/16/13

			1281		
Catherine Loudis	San Anselmo	California	94960	United States	7/16/13
Mallory Evans	saalem	Missouri	65560	United States	7/16/13
Cora Whitmore	Bangor	Maine	4401	United States	7/16/13
Andy Lynn	Douglasville	Georgia	30135-1108	United States	7/16/13
Kevin Curtin	Cedaredge	Colorado	81413	United States	7/16/13
Ruth Brighton	Bretnwood	New York	3833	United States	7/16/13
Irene Pérez Llorente			28043	Spain	7/16/13
TYRONE LEE	Ridgewood	New York	11385	United States	7/16/13
Whitney Tuthill-Preus	Minneapolis	Minnesota	55409	United States	7/16/13
Karen Hodges	Charlotte	North Carolina	28205	United States	7/16/13
Sandra Mcgettigan	Madison	Wisconsin	53704	United States	7/16/13
Howard Moore	San Diego	California	92115-3715	United States	7/16/13
Toni Ganshert	New Glarus	Wisconsin	53574	United States	7/16/13
Doug Fairbanks	Indianapolis	Indiana	46268	United States	7/16/13
mark potillo	granite city	Illinois	62040	United States	7/16/13
vannessa anderson	alexandria	Virginia	22309	United States	7/16/13
Vicki Beitseen			3053	United States	7/16/13
Will Bildsten	Minneapolis	Minnesota	55419	United States	7/16/13
L. A.	Medford	New York	11763	United States	7/16/13
Marla Espeseth	Chicago	Illinois	60618	United States	7/16/13
Melinda Burgess	Mission Hills	California	91345	United States	7/16/13
Edh Stanley	Sacramento	California	95823	United States	7/16/13
Troy Leutz	Jackson	Michigan	49202	United States	7/16/13
Jade Emerson	Rushville	Indiana	46173	United States	7/16/13
Marie Keung	Rockville	Maryland	20850	United States	7/16/13
Adriana Garcia	Pearland	Texas	77584	United States	7/16/13
Jannie Lauenroth	Pleasant Hill	California	94523	United States	7/16/13
Tim White	Effingboro	New Hampshire	3882	United States	7/16/13
Linda Behret	Viera	Florida	32955	United States	7/16/13
Ruth Thieme	Omaha	Nebraska	68134	United States	7/16/13
Karen Sadler	Freedom	Pennsylvania	15042	United States	7/16/13
Sarah Letnes	Chandler	Arizona	85286	United States	7/16/13
Christopher Obie	Orlando	Florida	32828	United States	7/16/13
Brandon Juhl	Lake Stevens	Washington	98258	United States	7/16/13
James Christian	Los Angeles	California	90025	United States	7/16/13
Richard Creswell	Lakewood	Colorado	80227-	United States	7/16/13

			3161		
Donna Bidgood	Park Hills	Missouri	63601-4277	United States	7/16/13
Earlon Sheaks	Scottsboro	Alabama	35768	United States	7/16/13
jennifer minish	tucson	Arizona	85710	United States	7/16/13
Elizabeth Ivy	Reston	Virginia	20191	United States	7/16/13
Julie Spickler	Menlo Park	California	9	United States	7/16/13
Debbie Proctor	Ojai	California	93023	United States	7/16/13
Ronald Womack	New Orleans	Louisiana	70115	United States	7/16/13
Greg Sells	Austin	Texas	78741-6942	United States	7/16/13
Rachel Wolf	Santa Cruz	California	95060	United States	7/16/13
Travis Edgar	WATERTOWN	South Dakota	57201	United States	7/16/13
daniella jackson	mount vernon	New York	10552	United States	7/17/13
Annette Ramos	Falls Church	Virginia	22042	United States	7/17/13
Deborah Spangler	Oakland	California	94619	United States	7/17/13
gwen buckingham	EVERETT	Washington	98203	United States	7/17/13
Phyllis Sladek	Santa Barbara	California	93107	United States	7/17/13
Sue Hildebrand	Terre Haute	Indiana	47803	United States	7/17/13
Helen Lovett	Orlando	Florida	32837	United States	7/17/13
Crystal Vance	knoxville	Tennessee	37920	United States	7/17/13
Candice Alexander	Memphis	Tennessee	38115-2723	United States	7/17/13
Ivan Fuentes	Orlando	Florida	32837	United States	7/17/13
Emily Sagovac	Wellington	Florida	33414	United States	7/17/13
Michele Taylor	Hoover	Alabama	35216	United States	7/17/13
Erik Schnabel	San Francisco	California	94103	United States	7/17/13
Julia Downer	Chambersburg	Pennsylvania	17202	United States	7/17/13
Marguerite Smith	Boston	Massachusetts	2148	United States	7/17/13
Rivka Dushoff	chesterfield	Missouri	63017	United States	7/17/13
Cathy Zimmerman	Hayward	Wisconsin	54843	United States	7/17/13
george walberg	fayetteville	West Virginia	25840	United States	7/17/13
Joan Budd	Pleasantville	New York	10570	United States	7/17/13
Patrick Dell'Italia	Selden	New York	11784	United States	7/17/13
Marc Laverdiere	Bellingham	Massachusetts	02019-1039	United States	7/17/13
Kari DeWitt	Rushville	Indiana	46173	United States	7/17/13
Douglas Monson	Medford	Oregon	97501	United States	7/17/13
les roberts	fresno	California	93704	United States	7/17/13
Janeth Mallory	Lewiston	Idaho	83501	United States	7/17/13
gloria czapnik	lakewood	Pennsylvania	18439	United States	7/17/13
D. Pologruto	Loxahatchee	Florida	33470-	United States	7/17/13

			4914		
CARLA DAVIS	CORTE MADERA	California	94925	United States	7/17/13
Andrew Johnson	Springfield	Missouri	65807	United States	7/17/13
Joy E Goldberg	Brooklyn	New York	11208	United States	7/17/13
Chad Kahl	Bloomington	Illinois	61701	United States	7/17/13
Ruth Bescrypt	Tucson	Arizona	85747	United States	7/17/13
Keisha Evans	East Palo Alto	California	94303	United States	7/17/13
NM Porter	Ypsilanti	Michigan	48197	United States	7/17/13
Bonnie Beavers	Chevy Chase	Maryland	20815	United States	7/17/13
Della Fernandez	Austin	Texas	78704	United States	7/17/13
peggy rodgers	haslett	Michigan	48840	United States	7/17/13
Gilda Fusilier	Sacramento	California	95831	United States	7/17/13
Bonita Hickman-Kamarad	Comstock	Nebraska	68828	United States	7/17/13
George S Cardillo	Washington	District Of Columbia	20011	United States	7/17/13
Mary Ann Ford	Oak Paark	Michigan	48237-3723	United States	7/17/13
Brandi Gray	Harves	Alabama	35749	United States	7/17/13
Steve Hibshman	Foster City	California	94404	United States	7/17/13
Deborah Stone	Austin	Texas	78766	United States	7/17/13
Katherine England	New York	New York	10023	United States	7/17/13
Michele Tanabe	Honolulu	Hawaii	96825	United States	7/17/13
Richard Brandes	Marina del Rey	California	90292	United States	7/17/13
Joyce Rollins	Bloomington	Minnesota	55431	United States	7/17/13
Marc Beschler	New York	New York	10022	United States	7/17/13
DeAnn Morris	Indianapolis	Indiana	46241	United States	7/17/13
Patricia Ramsey	Miami	Florida	33143	United States	7/17/13
Ronald Paige, MSG USA (Ret)	Lansing	Michigan	48911-1690	United States	7/17/13
Jae Liang	brooklyn	New York	11223	United States	7/17/13
Sosi Bocchierian	Centennial	Colorado	80015	United States	7/17/13
Donneen McKay	Burnsville	Minnesota	55337	United States	7/17/13
darrell rolstone	larkspur	California	94939	United States	7/17/13
marilyn denler	Hutchinson	Minnesota	55350	United States	7/17/13
Gladys Merced	Gurabo	Puerto Rico	778	United States	7/17/13
James W	janesville	Wisconsin	53548	United States	7/17/13
Andrea Ganz	Long Beach	California	90807	United States	7/17/13
Rachel D	Madison	Wisconsin	53703	United States	7/17/13
Jan Sanchez	Portage	Indiana	46368	United States	7/17/13
melinda mcafee	austin	Texas	78744	United States	7/17/13
Dona LaSchiava	Tucson	Arizona	85741	United States	7/17/13

August Scheer	Ardsley	New York	10502	United States	7/17/13
James Bennett	Chandler	Arizona	85226	United States	7/17/13
c dorg	St. Paul	Minnesota	55117	United States	7/17/13
Sundra Allen	Salt Lake City	Utah	84101-1822	United States	7/17/13
Jan Mosgofian	Sonoma	California	95476	United States	7/17/13
Naomi Zarch	San Francisco	California	94117	United States	7/17/13
Stephanie Gomez	Penn Valley	California	95946	United States	7/17/13
Bruno Zacke			10249	Germany	7/17/13
Jessica Young	Rushville	Indiana	46173	United States	7/17/13
Sharon Sekura	Lackawanna	New York	14218	United States	7/17/13
Jill Petroski	Austin	Texas	78745	United States	7/17/13
Alexandre Kaluzhski	San Diego	California	92128	United States	7/17/13
Jerome Howard	Winfred	South Dakota	57076	United States	7/17/13
John Douglas	Santa Barbara	California	93118	United States	7/17/13
Natalie Hanson	Lansing	Michigan	48917	United States	7/17/13
Sam Hanson	Hudson	Wisconsin	54016	United States	7/17/13
Wayne Johnson	San Francisco	California	94114-2417	United States	7/17/13
Art Hanson	Lansing	Michigan	48917	United States	7/17/13
Clyde Holloway	Houston	Texas	77004-7202	United States	7/17/13
Isabella La Mar	San Jose	California	95132	United States	7/17/13
Rikje Maria Ruiten	Utrecht	California	A35155	United States	7/17/13
Vivian Pons	Orem	Utah	84057	United States	7/17/13
Deserie del Valle-Medina	Aurora	Colorado	80013	United States	7/17/13
Chalene Mueller	HURRICANE	Utah	84737	United States	7/17/13
Linda Marcou	Amenia	New York	12501	United States	7/17/13
Denise Dardarian	L.A.	California	90046	United States	7/17/13
Catherine Horcasitas-Holcomb	The Colony	Texas	75056	United States	7/17/13
David Wiley	Minneapolis	Minnesota	55404	United States	7/17/13
Tony Menechella	Frankfort	Kentucky	40601	United States	7/17/13
TINA MINSTER	ROCHESTER	New York	14616	United States	7/17/13
Whitney Oliver	Morganton	North Carolina	28655	United States	7/17/13
Joan Cole	Staten Island	New York	10306	United States	7/17/13
Toby Lenihan	Stanfordville	New York	12581	United States	7/17/13
Mary Jo O'Connor	Coram	New York	11727	United States	7/17/13
Piper Honigmann	Chapel Hill	North Carolina	27517	United States	7/17/13

Debra Gakeler	Overland Park	Kansas	66210	United States	7/17/13
shirl bowman	Rulevo		81061	United States	7/17/13
Charisse Piros	Tulsa	Oklahoma	74136	United States	7/17/13
Mercedes Armillas	Brooklyn	New York	11215	United States	7/17/13
Reni Seidman	Ventura	California	93003	United States	7/17/13
Fay Bracken	Pisgah Forest	North Carolina	28768	United States	7/17/13
Christopher Rowley	Saint Louis	Missouri	63104	United States	7/17/13
Yanni Maniates	Morrisville	Pennsylvania	19067	United States	7/17/13
xdrop point	london				7/17/13
Joel Scott Strauss	Haverstraw	New York	10927	United States	7/17/13
James Brunton	Tampa	Florida	33612	United States	7/17/13
Ronald Garner	Bronx	New York	10468-4719	United States	7/17/13
caroline boston	bluffton	South Carolina	29910	United States	7/17/13
nancy peterson	tucson	Arizona	85735	United States	7/17/13
Chelsea Arne	Windham	Connecticut	6280	United States	7/17/13
Sarah Stewart	Trabuco Canyon	California	92679	United States	7/17/13
Urania Fuller Messing	Elmsford	New York	10523	United States	7/17/13
Renee Close	Cleveland	Ohio	44144	United States	7/17/13
Don Najita	Honolulu	Hawaii	96828	United States	7/17/13
Morgen LaCroix	Jericho	Vermont	5465	United States	7/17/13
Carmel Joseph-Burbano	Mount Holly	North Carolina	28120	United States	7/17/13
Karen Wright	Cedar	Texas	75104	United States	7/17/13
Michael Duffy	Staten Island	New York	10303	United States	7/17/13
Rahni Argo-Bryant	Helena	Alabama	35080	United States	7/17/13
mariela colon	Brooklyn	New York	11223	United States	7/17/13
Dawn Viazanko	MILFORD	Michigan	48381	United States	7/17/13
Jessie Casteel	Houston	Texas	77035	United States	7/17/13
Bridgett Hollowell	San Diego	California	91910	United States	7/17/13
lacey caraway	murphysboro	Illinois	62966	United States	7/17/13
Eileen Casey	Alsip	Illinois	60803	United States	7/17/13
Jessica George	college park	Maryland	20740	United States	7/17/13
Linda Parena	El Sobrante	California	94803	United States	7/17/13
Christopher Lish	Olema	California	94950	United States	7/17/13
Sheryl Warren	Williamsville	New York	14221	United States	7/17/13
Leon borsukiewicz	santa rosa	California	95401	United States	7/17/13
Celia Bolyard	Madison	Wisconsin	53705	United States	7/17/13
Nicole Gavrel Kotz	Chicago	Illinois	60660-3026	United States	7/17/13

Nicole Poore	San Antonio	Texas	78252	United States	7/17/13
Alisha Sauer	Omaha	Nebraska	68105	United States	7/17/13
Carolyn Phelps	Powell	Tennessee	37849	United States	7/17/13
Katherine Tarrant	Lake Stevens	Washington	98258	United States	7/17/13
JEFFREY ARTO	HOLLYWOOD	Florida	33020	United States	7/17/13
william dotson	anchorage	Alaska	99524	United States	7/17/13
Dianne Patrick	Marquette	Michigan	49855	United States	7/17/13
Roger Easson	St George	Utah	84770	United States	7/17/13
E D	Emerald Hills	California	94062-4053	United States	7/17/13
karen gordon	Rushville	Indiana	46173	United States	7/17/13
David Lewton	Phoenix	Arizona	85021	United States	7/17/13
john golding	oakland	California	94619	United States	7/17/13
Anne Marie Bonneau	Mountain View	California	94040	United States	7/18/13
Mary Stone	Oriental	North Carolina	28571	United States	7/18/13
John Michael Brennan	Dallas	Texas	75229	United States	7/18/13
Ann Horton	Farmington	Connecticut	6032	United States	7/18/13
Ann Sandritter	Old Bridge	New Jersey	8857	United States	7/18/13
Jason Fox	Camden	Tennessee	38320	United States	7/18/13
Mie Fukuda	San Francisco	California	94118	United States	7/18/13
Georgia Locker	Fort Collins	Colorado	80525	United States	7/18/13
Michelle Lai	Hacienda Heights	California	91745	United States	7/18/13
Marilyn Gunner	La Mesa	California	91944	United States	7/18/13
Carol Consolantis	Memphis	Tennessee	38104	United States	7/18/13
Wyatt Regan	Grand Forks	North Dakota	58201	United States	7/18/13
pauline fuit	Waikiki	Colorado	6169	United States	7/18/13
Elaine Fischer	Roanoke	Virginia	24018-2625	United States	7/18/13
Brooke Sparling	Ann Arbor	Michigan	48103-9770	United States	7/18/13
siria arteaga	modesto	California	95358	United States	7/18/13
Catherine Borsellino	San Clement	California	92672	United States	7/18/13
Sarah McKee	Amherst	Massachusetts	01002-2825	United States	7/18/13
anne roberts	melborne	Virgin Islands	3142	United States	7/18/13
Pete Hammill	Manitowoc	Wisconsin	54220	United States	7/18/13
Janelle Fox	Austin	Texas	78749	United States	7/18/13
Ron Sonesen Sonesen	Ocala	Florida	34481	United States	7/18/13

Diane Nino	Hollywood	Florida	33027	United States	7/18/13
Paul Gonzalez	Wilmington	California	90744	United States	7/18/13
Alex Dugan	Watertown	Massachusetts	2472	United States	7/18/13
Gary Overby	Madison	Wisconsin	53703-1530	United States	7/18/13
Layla Husain	Knoxville	Tennessee	37920	United States	7/18/13
Caitlyn Chrismore	Virginia Beach	Virginia	236464	United States	7/18/13
Mark Skaret	Riverton	Connecticut	6065	United States	7/18/13
Toni Tower	Fort Worth	Texas	76118	United States	7/18/13
Sylvia Latimer	Miami	Florida	33101	United States	7/18/13
Brian Henry	Fort Worth	Texas	76118	United States	7/18/13
Maureen Sheahan	Southfield	Michigan	48033-3520	United States	7/18/13
LaVerne Peterson	Boerne	Texas	78006	United States	7/18/13
KIMBERLY WALTON	SANTA ANA	California	92704	United States	7/18/13
Scott Burbridge	Takoma Park	Maryland	20912-4648	United States	7/18/13
Brian Harris	Wayne	Michigan	48184	United States	7/18/13
Mary Russell	Dover	Ohio	44622	United States	7/18/13
Robyne Hamme	Fresno	California	93726	United States	7/18/13
Emily Johnson	Omaha	Nebraska	68105	United States	7/18/13
sandra reeves	Houston	Texas	77006	United States	7/18/13
john toman	Bangor	Michigan	49013	United States	7/18/13
Carol Toman	Westmont	Illinois	60559	United States	7/18/13
jean buerckholtz	lemont	Illinois	60439	United States	7/18/13
Deborah Toman	Bangor	Michigan	49013	United States	7/18/13
philip lewis	LONDON		N80QD	United Kingdom	7/18/13
Terri Wood	St. Johnsville	New York	13452	United States	7/18/13
Steve Cook			4226	Australia	7/18/13
KATHIE DEFREHN	PHILADELPHIA	Pennsylvania	19132	United States	7/18/13
Tyler Hamway	Canoga Park	California	91303	United States	7/18/13
Lauren Samona	Orchard Lake Village	Michigan	48323	United States	7/18/13
JOANNA KELLEY	HAVERTOWN	Pennsylvania	19083	United States	7/18/13
Joanne DeFrehn	Philadelphia	Pennsylvania	19152	United States	7/18/13
Tee Guidotti	Washington	District Of Columbia	20009-1413	United States	7/18/13
Nadine Yousif	Orchard lake village	Michigan	48324	United States	7/18/13
Karen Hendershot	Columbus	Indiana	47203	United States	7/18/13
ellen Woodcock	Columbus	Indiana	47203	United States	7/18/13
Vanette Garmo	West Bloomfield	Michigan	48322	United States	7/19/13

	Township				
Kristin Woodcock	Columbus	Indiana	47203	United States	7/19/13
Lorraine fortino	Philadelphia	Pennsylvania	19147	United States	7/19/13
Richard Andrews	El Cajon	California	93019	United States Minor Outlying Islands	7/19/13
Jaime Simpson	Philadelphia	Pennsylvania	19114	United States	7/19/13
Gina Gantz	Philadelphia	Pennsylvania	19154	United States	7/19/13
Tonya Kiel	Columbus	Indiana	47203	United States	7/19/13
Carol Batch	Waterford	Connecticut	6385	United States	7/19/13
Elizabeth Devlin	Philadelphia	Pennsylvania	19154- 2707	United States	7/19/13
Martha Schak	McHenry	Illinois	60050	United States	7/19/13
Michelle Bokaie	San Antonio	Texas	78250	United States	7/19/13
Alexandra Siegel	Ann Arbor	Michigan	48104	United States	7/19/13
Ashley Patros	Farmington Hills	Michigan	48331	United States	7/19/13
Paul Novak	Madison	Wisconsin	53711	United States	7/19/13
katie harding	longwood	Florida	32779	United States	7/19/13
Lisa Provencher	Lincoln	Rhode Island	2865	United States	7/19/13
Maria Dickmann	Davenport	Iowa	52806	United States	7/19/13
Kimberly Anne Halizak	Los Angeles	California	90068	United States	7/19/13
Arlene Komos	Woodstock	Illinois	60098	United States	7/19/13
Marilyn Brown	Matthews	North Carolina	28105	United States	7/19/13
charline ison	hope	Indiana	47246	United States	7/19/13
Adena Reeves	Columbus	Indiana	47201	United States	7/19/13
Debra Shamanow	Philadelphia	Pennsylvania	19154	United States	7/19/13
Grace Tedone	Bellerose	New York	11426	United States	7/19/13
Samantha Sullivan	olympia	Washington	98501	United States	7/19/13
mary bailey	Columbus	Indiana	47201	United States	7/19/13
melissa legere	Rushville	Indiana	46173	United States	7/19/13
Esther Rosenshein	Portland	Oregon	97220	United States	7/19/13
Komson Pirapatrungsuriya	Nonthaburi			Thailand	7/19/13
Linda Andersson	Medina	Washington	98039	United States	7/19/13
charin kajornchaikul	กรุงเทพมหานคร			Thailand	7/19/13
patti de leo	phila	Pennsylvania	19115	United States	7/19/13
john delicath	Washington	District Of Columbia	20017	United States	7/19/13
ryan mckenzie	apple valley	California	92307	United States	7/19/13

Kathleen Mullen	Toronto		M6P 3T5	Canada	7/19/13
Kathy Konik	Kimball	Michigan	48074	United States	7/19/13
Nessma Bashi	Ann Arbor	Michigan	48104	United States	7/19/13
Davina Yatoma	Farmington Hills	Michigan	48331	United States	7/19/13
Ellen Costa	San Diego	California	92131	United States	7/19/13
Diana Giacalone	St Peters	Missouri	63304	United States	7/19/13
Kara Remington	Knoxville	Tennessee	37920	United States	7/19/13
Emily Kinney	Portland	Oregon	97212	United States	7/19/13
Tobi Davis	Woodridge	Illinois	60517	United States	7/19/13
Carol Mitchell	Detroit Lakes	Minnesota	56501	United States	7/19/13
Sue Ballenger	Goldsboro	North Carolina	27530	United States	7/19/13
Luiz Eduardo Cheida	Londrina			Brazil	7/19/13
saraphine metis	grand marais	Minnesota	55604	United States	7/19/13
Tawnya Edwards	Deer Island	Oregon	97054	United States	7/19/13
Kim Hoover	Peru	Indiana	46970	United States	7/19/13
Dell Lutz	Clinton	Iowa	52732	United States	7/19/13
Milke Large	Machester				7/19/13
RUTH ASHCRAFT	MENIFEE	California	92584	United States	7/19/13
Cindy Dumpprope	Monticello	Minnesota	55362	United States	7/19/13
susanne scheffler	Naples	Florida	34117	United States	7/19/13
JAMES LAUZON	PRAIRIE VIEW	Illinois	60069	United States	7/19/13
Joann Sunday	Peru	Indiana	46970	United States	7/19/13
Lechelle Cross	Bradford	Arkansas	72020	United States	7/19/13
Anna Ernst	Hyattsville	Maryland	20782	United States	7/19/13
Geoff Monse	Alvin	Texas	77511	United States	7/19/13
Christina Werner	edgewood	Maryland	21040	United States	7/19/13
Enrique Lopez	San juan	Puerto Rico	927	United States	7/19/13
megha arraj	leeds	Massachusetts	1053	United States	7/19/13
Anna M. Tippin	Philadelphia	Pennsylvania	19124	United States	7/19/13
Elizabeth Pavlick	Downingtown	Pennsylvania	19335	United States	7/19/13
martha eberle	dripping Springs	Texas	78620	United States	7/19/13
Jimmy Nguyen	Garden Grove	California	92840	United States	7/19/13
Julie Pursell	Springville	Indiana	47462	United States	7/19/13
Yvonne Davis	Keller	Texas	76248	United States	7/19/13
Irene Florian	Phila	Pennsylvania	19152	United States	7/19/13
Dameon Torrey	Atlanta	Georgia	30316	United States	7/19/13
Barry Stelling	sonoma	California	95476	United States	7/19/13
Paul Leisure	sun city	California	92586	United States	7/19/13
Michele Looby	Philadelphia	Pennsylvania	19135	United States	7/19/13
carol wood	newport beach	California	92663	United States	7/19/13

danielle mergen	Philadelphia	Pennsylvania	19116	United States	7/19/13
Dave Nash	Carlsbad	California	92011	United States	7/19/13
Alex Cole	Santa Barbara	California	93101	United States	7/19/13
John Sanders	San Francisco	California	94114	United States	7/19/13
Kari Rise	Carlsbad	California	92011	United States	7/19/13
Deana Snyder	North Lauderdale	Florida	3306	United States	7/19/13
Annette Marinkovic	Ypsilanti	Michigan	48197	United States	7/20/13
Angela Brust-Balogun	Troy	New York	12183	United States	7/20/13
PATRICIA TAYLOR	Philadelphia	Pennsylvania	19130	United States	7/20/13
christine coyle	philadelphia	Pennsylvania	19124	United States	7/20/13
karen figueira	makawao	Hawaii	96768	United States	7/20/13
jon gordon	n.y.	New York	11209	United States	7/20/13
caron kirschenbaum	palm city	Florida	34990	United States	7/20/13
JERRY WHEELER	BURIEN	Washington	98148	United States	7/20/13
Tonya Jackson	Columbus	Indiana	47201	United States	7/20/13
Al Prezkuta	Poughkeepsie	New York	12603	United States	7/20/13
Troy Schreiber	Millersburg	Pennsylvania	17061	United States	7/20/13
Dorothy Anderson	No Weymouth	Massachusetts	2191	United States	7/20/13
Susi Matthews	KANSAS CITY	Missouri	64134	United States	7/20/13
Wendy Dou	Abingdon	Virginia	24210	United States	7/20/13
Janet Nash	Lake Havasu	Arizona	86406	United States	7/20/13
Robert Carr	Leicester	North Carolina	28748	United States	7/20/13
SERVANDO PÉREZ-DOMÍNGUEZ			15782	Spain	7/20/13
sandra ferguson	carlsbad	California	92011	United States	7/20/13
Thomas Kruggel	Kissimmee	Florida	34759-3101	United States	7/20/13
Laura Miller	Beaver Falls	Pennsylvania	15010	United States	7/20/13
Ronni Taylor	Tiffin	Ohio	44883	United States	7/20/13
Evan O	St. Louis	Missouri	63116	United States	7/20/13
Maria Elena Hernandez	Los Angeles	California	90048	United States	7/20/13
Glenda Justice	Plantation	Florida	33317	United States	7/20/13
Dorr Bugbee	Battle Creek	Michigan	49017	United States	7/21/13
Margie Lachman	Beaverton	Oregon	97006	United States	7/21/13
Marc Jason Masicat	Baldwin Park	California	91706	United States	7/21/13
Scot Snapper	Lakeport	California	95453	United States	7/21/13
CHRISTINE HARTSOCK	HOPE MILLS	North Carolina	28348	United States	7/21/13
Robert Lockhorn	Vancouver	Washington	98683	United States	7/21/13

Damon Laaker	Omaha	Nebraska	68105	United States	7/21/13
William Doty	Mount Zion	Illinois	62549	United States	7/21/13
Claudia Grasso	Lincoln	Massachusetts	1773	United States	7/21/13
Diana Bruso	West Springfield	Massachusetts	1089	United States	7/21/13
Chalanya Charoentanyawari	Thailand				7/21/13
Frances Hoffman	Sparta	Missouri	65753	United States	7/21/13
Brittany Justice	Peru	Indiana	46970	United States	7/21/13
Lynn Oaks	Peru	Indiana	46970	United States	7/21/13
Geraldine Todd			RH11 OLZ	United Kingdom	7/21/13
suzanne marlborough	clevedon		BS21 6JY	United Kingdom	7/21/13
sandra neuenschwander	Tunnel Hill	Georgia	30755	United States	7/21/13
Pamela Mitchell	Dalton	Georgia	30721	United States	7/21/13
Frank Cavaluzzi	Lords Valley	Pennsylvania	18428	United States	7/21/13
Carla Bryant	Nashville	Tennessee	37218	United States	7/21/13
Lisa Minns	Peru	Indiana	46970	United States	7/21/13
Terri McKinlery	Peru	Indiana	46970	United States	7/21/13
bill siler	logansport	Indiana	46947	United States	7/21/13
Diana Pesicka	Colorado Springs	Colorado	80906	United States	7/21/13
Sherry McKnight	Pocahontas	Illinois	62275	United States	7/21/13
Karen Huber	Colleyville	Texas	76034	United States	7/21/13
Tracy Murphy	Burleson	Texas	76028	United States	7/21/13
Eleni Hagen	Brighton	Massachusetts	2135	United States	7/21/13
Charles Levenstein	Brookline	Massachusetts	2445	United States	7/21/13
Mark Fenech	Maple Grove	Minnesota	55369	United States	7/21/13
Olga Kalashnik	Bethesda	Maryland	20814	United States	7/21/13
Melissa Haynes	Goose Creek	South Carolina	29445	United States	7/21/13
Luis Haro-García			2800	Mexico	7/21/13
Marco Santaniello	Caracas			Venezuela, Bolivarian Republic of	7/21/13
Patricia Krings	Omaha	Nebraska	68137	United States	7/21/13
Max Glassburn	Peru	Indiana	46970	United States	7/21/13
Dena Dorsey-Brown	Logan	Ohio	43138	United States	7/21/13
tami justice	Peru	Indiana	46970	United States	7/21/13
Heather Jones	Mechanicsville	Virginia	23111	United States	7/21/13
Geraldine Orta			6760	Mexico	7/21/13
Linda Wride	Oxford				7/21/13

kate schmitz	ellensburg	Washington	98926	United States	7/21/13
Cathleen Dahlstrsd	Mansfield	Ohio	44904	United States	7/21/13
Dave Councilman	St Louis Park	Minnesota	55426	United States	7/21/13
Twik Simms	Anaheim	California	92801-1904	United States	7/21/13
mary flanders	Lafayette	Colorado	80026	United States	7/21/13
Mary Aloyse Firestone	Bedford	Massachusetts	1730	United States	7/21/13
Stephen Martin	Rushville	Indiana	46173	United States	7/21/13
Judy Having	Bessemer	Alabama	35022	United States	7/21/13
Donna Buntun	Ouray	Colorado	81427	United States	7/21/13
Lisa Zito	Sanger	California	93657	United States	7/21/13
Vince Haughney	Philadelphia	Pennsylvania	19134	United States	7/21/13
Sonia Koltiska	Gillette	Wyoming	82718	United States	7/21/13
Justin Bragg	amarillo	Texas	79121	United States	7/21/13
Doreen Fiebel	Succasunna	New Jersey	7876	United States	7/21/13
Michelle Henry	Tucson	Arizona	85748	United States	7/22/13
Diane Kent	PHOENIX	Arizona	85032	United States	7/22/13
Angelo Garcia, III	Huntington	New York	11743	United States	7/22/13
Sara Cox	Rushville	Indiana	46173	United States	7/22/13
Laura Punnett	Medford	Massachusetts	2155	United States	7/22/13
Michelle Broyles	Volente	Texas	78641	United States	7/22/13
Tammy Little	Ashville	New York	14710	United States	7/22/13
Lee Lavigne	Seattle	Washington	98144	United States	7/22/13
R Haller	Sandy Springs	Georgia	30350	United States	7/22/13
liesel serbst	towanda	Illinois	61776	United States	7/22/13
John Luna	Hurst	Texas	76054	United States	7/22/13
Lance Huber	Colleyville	Texas	76034	United States	7/22/13
John Delicath	Washington	District Of Columbia	20017	United States	7/22/13
Paula McDougale	Indianapolis	Indiana	46221	United States	7/22/13
shawn thompson	Santa Monica	California	90405	United States	7/22/13
Anila Bello	Boston	Massachusetts	2128	United States	7/22/13
Mike Hokey	Indianapolis	Indiana	46229	United States	7/22/13
Robert Hokey	Indianapolis	Indiana	46229	United States	7/22/13
Deborah Young	Elkview	West Virginia	25071	United States	7/22/13
Teresa Robison	Peru	Indiana	46970	United States	7/22/13
Angela Brooks	Lynn	Indiana	47355	United States	7/22/13
John Steele	Dromana		Street	Australia	7/22/13
Stephanie Beaumont	Redditch			United Kingdom	7/22/13

Paul Beaumont	Redditch				7/22/13
Aleesha Beaumont	Redditch			United Kingdom	7/22/13
Nancy Luna	Hurst	Texas	76054	United States	7/22/13
Lisa Geoppo	Los Angeles	California	90027	United States	7/22/13
Elaine Cash	Chesnee	South Carolina	29323	United States	7/22/13
Nikki Holbert	Winfield	West Virginia	25213	United States	7/22/13
Lin Kaatz Chary	Gary	Indiana	46403	United States	7/22/13
Jane Gray	Peru	Indiana	46970-1546	United States	7/22/13
Carol Duerden	Bradford		BD2 4RS	United Kingdom	7/22/13
Danielle Wolf	Alexandria	Virginia	22304	United States	7/22/13
Cindy Hilbinger	Greensboro	North Carolina	27410	United States	7/22/13
Rod Nash	Carlsbad	California	92011	United States	7/22/13
Sharon Ona	Camarillo	California	93012-4334	United States	7/23/13
Shirley Vitela	Some Town	Colorado	80920	United States	7/23/13
T G	San Francisco	California	94109-5858	United States	7/23/13
Ryan Hendershot	Grand Junction	Colorado	81504	United States	7/23/13
Karen McCoy	Riverside	California	92508	United States	7/23/13
Denise Thompson-Slaughter	Rochester	New York	14618-1221	United States	7/23/13
วิทยา กุลสมบูรณ์ กุลสมบูรณ์	Bangkok, Thailand			Thailand	7/23/13
Mary Ellen Strote	Calabasas	California	91302	United States	7/23/13
Dimu Pratama			40254	Indonesia	7/23/13
Andrew Morgan	London			United Kingdom	7/23/13
Derrick Fernie	Vancouver BC		V5N 1X7	Canada	7/23/13
Dorothy Doran	Waltham	Massachusetts	2254	United States	7/23/13
Jennifer Finn	Eules	Texas	76040	United States	7/23/13
Yvonne Waterman	Wouwse Plantage			Netherlands	7/23/13
MARK WINTER	Darlington			United Kingdom	7/23/13
Deana Montgomery	Hot Springs	Arkansas	71913	United States	7/23/13
Stephanie Tyrrell	St. Martinville	Louisiana	70582	United States	7/23/13
stephen Blake	huntington beach	California	92646	United States	7/23/13
mike crill	rimrock	Arizona	86335	United States	7/23/13
Sean Marshall			2130	Australia	7/23/13
Nancy Griesemer	Bellefonte	Pennsylvania	16823	United States	7/24/13

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kristen hodge	South Hampton	New Hampshire	3827	United States	7/24/13
Mary Hale	Plainfield	Illinois	60544	United States	7/24/13
Geraldine Elsbree	surprise	New York	12176	United States	7/24/13
Amy Westman	BELLINGHAM	Washington	98226	United States	7/24/13
Alexandra Coppa	Cranston	Rhode Island	2921	United States	7/24/13
Rafael Gardiner	Cranston	Rhode Island	2921	United States	7/24/13
Teresa Coppa	Cranston	Rhode Island	2921	United States	7/24/13
Toni Matthews	Springfield	Oregon	97478	United States	7/24/13
Nick Sarazen	North Kingstown	Rhode Island	2874	United States	7/24/13
Loriann Connelly	Staten Island	New York	10314	United States	7/24/13
Molly Sandstrom	Lindstrom	Minnesota	55045	United States	7/24/13
Michelle MacWilliams	Gloucester Township	New Jersey	8012	United States	7/24/13
PATRICIA MATTISON	philadelphia	Pennsylvania	19149	United States	7/24/13
david j. lafond	Holyoke	Massachusetts	01040-3502	United States	7/24/13
Julia Gordon	Live Oak	California	95953	United States	7/25/13
robin ratcliff	sonora	California	95370	United States	7/25/13
Lisa Engels	Temecula	California	92592	United States	7/25/13
Stephen Matrese	Carlisle	Pennsylvania	17013	United States	7/25/13
Stephen Matrese	Carlisle	Pennsylvania	17015	United States	7/25/13
David Pansegrouw	Washington	District Of Columbia	20009	United States	7/25/13
Diane DeMarco	Staten Island	New York	10314	United States	7/25/13
Becky Bell-Greenstreet	Coquille	Oregon	97423	United States	7/25/13
Sunsik Kim			558-8585	Japan	7/26/13
Amber Childers	Bunker Hill	Indiana	46914	United States	7/26/13
Scott Chapin	Trafford	Alabama	35172	United States	7/26/13
Jennifer Gray	Glasgow		G13 1JG	United Kingdom	7/26/13
Francine Kendrick	Littleton	North Carolina	27850	United States	7/26/13
Jan Pelfrey	Dallas	Georgia	30132	United States	7/26/13
Tanya Gamez	Fresno	California	93727	United States	7/26/13
Tank Hale	Plano	Texas	75024	United States	7/26/13
Martha MacMillan	Sebastopol	California	95472	United States	7/26/13
THOMAS WEICHERS	GRANTS PASS	Oregon	97526	United States	7/26/13
marilyn karwowski	Fairfax	Virginia	22033	United States	7/26/13

Sharon Volz	cooksville	Illinois	61730	United States	7/26/13
Susan DeJoseph	Douglassville	Pennsylvania	19518	United States	7/26/13
Sarah Midkiff	St. Louis	Missouri	63136	United States	7/26/13
Brandee Rutkowski	Bloomington	Illinois	61701	United States	7/26/13
Carla Moliterno	Schwenksville	Pennsylvania	19473	United States	7/26/13
anthony manera	Upper Chichester	Pennsylvania	19061	United States	7/26/13
Marilyn Marsaglia	Springfield	Illinois	62711	United States	7/27/13
Chester E Mack Jr	East Norriton	Pennsylvania	19403	United States	7/27/13
Donna Mack	East Norriton	Pennsylvania	19403-4104	United States	7/27/13
Jesse Gamez	Fresno	California	93727	United States	7/27/13
Kristen Angel	Honolulu	Hawaii	96818	United States	7/27/13
Susan Hoeing	Rushville	Indiana	46173	United States	7/27/13
Adam Kaminski	Kuala Lumpur		56100	Malaysia	7/27/13
amanda bell	Grand Rapids	Michigan	49546	United States	7/27/13
Kathy Ridge	Albany	Kentucky	42602	United States	7/27/13
Michael Le	Denver	Colorado	80209	United States	7/27/13
Susan Knape	Dallas	Texas	75209	United States	7/27/13
jackie coupland	north vancouver		v7g2p6	Canada	7/27/13
Chad Kinney	Papillion	Nebraska	68046	United States	7/27/13
jonathan holzingwr	Lafayette	Indiana	47909	United States	7/27/13
Lynda Ozan	Edmond	Oklahoma	73034	United States	7/27/13
Christine Dwyer	Medford	New Jersey	8055	United States	7/27/13
Cindy Pappas	Medford	Oregon	97504	United States	7/27/13
c clark	Chicago	Illinois	60642	United States	7/27/13
KIRK BANDEKO	NORMAL	Illinois	61761	United States	7/27/13
Debra Frederiksen	Buffalo	New York	14216	United States	7/27/13
Lila Ellison	Lemmon	South Dakota	57638	United States	7/27/13
Julie Cramer	Rushville	Indiana	46173	United States	7/27/13
Jennifer Shackford	Berlin	Connecticut	6037	United States	7/27/13
Kimberly Benane	New Hartford	Connecticut	6057	United States	7/27/13
Marlene Demma	Rocky Hill	Connecticut	6067	United States	7/27/13
Marilyn Richter	Berlin	Connecticut	6037	United States	7/27/13
karen macy	rushville	Indiana	46173	United States	7/27/13
Kathleen Kourie	Garrison	New York	10524	United States	7/27/13
Melissa Gionfriddo	Northford	Connecticut	6472	United States	7/27/13
Anne-Marie Boulet			42000	France	7/27/13
Andrea Lamb	Scugog		L9L	Canada	7/27/13
Jan Garrison	Rushville	Indiana	46173	United States	7/27/13
linda fuchs	Warminster	Pennsylvania	18974	United States	7/27/13
Neil Panetta	Cromwell	Connecticut	6416	United States	7/27/13
Jodi Clavette	Southington	Connecticut	6479	United States	7/27/13

Annie Thebaud-Mony			94120	France	7/27/13
Judy Eckstein	Batesville	Indiana	47006	United States	7/27/13
Marian Peters	Berlin	Connecticut	6037	United States	7/27/13
Michael Kain	Okemos	Michigan	48864	United States	7/27/13
Juliet Carnell	Annapolis	Maryland	21403	United States	7/27/13
Christine Jasonis	Berlin	Connecticut	6037	United States	7/27/13
Tammy wills	Buffalo	West Virginia	25033	United States	7/27/13
Christina Gosser	Rushville	Indiana	46173	United States	7/27/13
Heather Clark	Rushville	Indiana	46173	United States	7/27/13
Kim Sebesta	Minneapolis	Minnesota	55421	United States	7/27/13
sandra griffen	Swainsboro	Georgia	30401	United States	7/27/13
charles j dreher jr	louisville	Ohio	44641	United States	7/27/13
Tina Barten	Ankeny	Iowa	50021	United States	7/27/13
Donna Carruthers	Camano Island	Washington	98282	United States	7/27/13
Alli Minarik	Winnipeg		R3M 0A7	Canada	7/27/13
Lynn Friedman	Longmeadow	Massachusetts	1106	United States	7/27/13
Emily Gabbert	East Liverpool	Ohio	43920	United States	7/27/13
Martha Crumpton	Goodrich	Texas	77335	United States	7/27/13
Barbara Massimino	Hollywood	Florida	33020	United States	7/27/13
Michele Mikulic	Casa Grande	Arizona	85122	United States	7/27/13
John Mikulic	Casa Grade	Arizona	85122	United States	7/27/13
Dianne Geissinger	Hudson	Florida	34667	United States	7/27/13
Shawna Smith	san antonio	Texas	78209	United States	7/27/13
Shelly Miller	Boulder	Colorado	80304	United States	7/27/13
Vicki Bucher	Maumee	Ohio	43537	United States	7/27/13
junedale keala	H.O.V.E.	Hawaii	96737	United States	7/27/13
Teresa Brown	Cortland	New York	13045	United States	7/27/13
Sherri Wicker	Shelbyville	Indiana	46176	United States	7/27/13
Marilyn Favali	Narragansett	Rhode Island	2882	United States	7/27/13
Marlyn Landin	Pasadena	Maryland	21122	United States	7/27/13
Lois Corcoran	Steward	Illinois	60553	United States	7/27/13
Maggie Hayes	Prestonsburg	Kentucky	41653	United States	7/27/13
Theresa Sweigart	Meriden	Kansas	66512	United States	7/27/13
Joanna Geisler	Newington	Connecticut	6111	United States	7/27/13
Kim Joslyn	Berlin	Connecticut	6037	United States	7/27/13
roxanna bostick	Auburn	Washington	98001	United States	7/27/13
Judy Guinosso	Souderton	Pennsylvania	18964	United States	7/27/13
Debbie Woods	Watervliet	New York	12189	United States	7/27/13
Siri Coupland	North Vancouver		V7G 2P5	Canada	7/27/13
laura swain	kensington	Connecticut	6037	United States	7/27/13
Lee Roy Henslee	Decatur	Michigan	49045	United States	7/27/13

Mynyon Patrick	Atlanta	Georgia	30310	United States	7/27/13
radyne coursey	tucson	Arizona	85719	United States	7/27/13
scott davis	san diego	Alabama	92116	United States	7/27/13
Jordan Knape	Brooklyn	New York	11238	United States	7/27/13
mary rickaway	Port Lavaca	Texas	77979	United States	7/27/13
Raymond Crawford	Dallas	Texas	75233	United States	7/27/13
Marilynn Murray	Rockwall	Texas	75032	United States	7/27/13
john kirk	Bemidji	Minnesota	56601	United States	7/27/13
Rose & John Martin	Hazel Crest	Illinois	60429-1309	United States	7/27/13
L Lechner	Shoreline	Washington	98155	United States	7/27/13
Scott Anderson	Lawrence	Kansas	66044	United States	7/27/13
Wendy Stout	Dunedin	Florida	34698	United States	7/28/13
Rodger Hoene	Spencer	Indiana	47460	United States	7/28/13
Tracy Feger	Bloomington	Illinois	61701	United States	7/28/13
Kelly Rawls	Lexington	North Carolina	27292	United States	7/28/13
Lori Koehler-brown	Normal	Illinois	61761	United States	7/28/13
Sara H Kent	Pottstown	Pennsylvania	19465	United States	7/28/13
Karen Murphy	Rocky Hill	Connecticut	6067	United States	7/28/13
Debra Cluley	Grand Blanc	Michigan	48439	United States	7/28/13
James Richardson	Aurora	Colorado	80011	United States	7/28/13
Jodie Rogers	Rushville	Indiana	46173	United States	7/28/13
Ellen Gentile	Berlin	Connecticut	6037	United States	7/28/13
Erica Rouse	Rushville	Indiana	46173	United States	7/28/13
Paul W. Ayers	Chelan	Washington	98816	United States	7/28/13
Teresa Aquino	Howell	New Jersey	7731	United States	7/28/13
julie gundlach	Saint Louis	Missouri	63110-1602	United States	7/28/13
Trevor Hofer	Noblesville	Indiana	46060	United States	7/28/13
Charlotte VanGenechten	Millbrook		LOA1G0	Canada	7/28/13
Cheryl Walker	Logansport	Indiana	46947	United States	7/28/13
Tina Willard	Alliance	Ohio	44601	United States	7/28/13
Dean Woodhouse	Denver	Indiana	46926	United States	7/28/13
renie frisbymccallum	troy mills	Iowa	52344	United States	7/28/13
Sandra Balthazar	Fairhaven	Massachusetts	2719	United States	7/28/13
Kathy Tiberio	Havertown	Pennsylvania	19083	United States	7/28/13
Isabel Neal	Manhattan Beach	California	90266	United States	7/28/13
Maureen Tavaglione	3801 Sunward Drive	Florida	32953	United States	7/28/13
danielle shafer	warsaw	Missouri	65355	United States	7/28/13

Melissa Saberhagen	Channahon	Illinois	60410	United States	7/28/13
Tracy Vollrath	groton	Connecticut	6340	United States	7/28/13
Debra Morgan	port angeles	Washington	98362	United States	7/28/13
Francisco Pedra	Rio de Janeiro		20031-170	Brazil	7/28/13
Laura Fineman	El Segundo	California	90245	United States	7/28/13
Jamie Weaver	Pocahontas	Tennessee	38061	United States	7/28/13
Mary Starnes	Lancaster	South Carolina	29720	United States	7/28/13
mary parker	Lancaster	South Carolina	29720	United States	7/28/13
Amber Muirhead	Brandon	Mississippi	39042	United States	7/28/13
Amanda Tompkins	Liverpool	New York	13090	United States	7/28/13
Virginia House	Huntingdon	Tennessee	38344	United States	7/28/13
Leo Smith	Ashland	Oregon	97520	United States	7/28/13
emily bleyl	salt lake city	Utah	84108	United States	7/28/13
Amanda Hubbard	Jacksonville	Florida	32211	United States	7/28/13
Lisa Crandall	Tampa	Florida	33618	United States	7/28/13
barbara mccann	burton	Michigan	48509	United States	7/28/13
Laura Guill	Sarnia		N7S 4B3	Canada	7/28/13
DEBORA Barnes	Rushville	Indiana	46173	United States	7/28/13
Steven Vesco	Enfield	Connecticut	6082	United States	7/28/13
Michele Mann	Connelly Springs	North Carolina	28612	United States	7/28/13
Deborah McBride	Cocoa	Florida	32922	United States	7/28/13
Mary Gonzalez	league city	Texas	77573	United States	7/28/13
sherissa gates warren	atlanta	Georgia	30342	United States	7/28/13
John Douard	Montclair	New Jersey	7042	United States	7/28/13
Linda Amabile	statham	Georgia	30666	United States	7/28/13
Laura Evens	Newhall	California	91321	United States	7/28/13
Janet Goss	Port Washington	Wisconsin	53074	United States	7/28/13
Beth Clifton	Prescott	Arizona	86305	United States	7/28/13
Corene Messer	Manchester	Iowa	52057	United States	7/28/13
rita tuttle	Greenwood	Indiana	46142	United States	7/28/13
Crystal Woods	Rushville	Indiana	46173	United States	7/28/13
Madi Campbell	Rushville	Indiana	46173	United States	7/28/13
Amy Pennington	Rushville	Indiana	46173	United States	7/28/13
Teresa smith	Rushville	Indiana	46173	United States	7/28/13
Tracy Ford	New Westminster		V3M 2X2	Canada	7/28/13
Michael Orrfelt	Glencoe	California	95232	United States	7/28/13
kathleen matson	manchester	Connecticut	6042	United States	7/28/13
Graham Sherlock-	Solihull, UK				7/28/13

Brown					
Brad Comer	Manchester	Iowa	52057	United States	7/28/13
Kristen Foster	Havelock	North Carolina	28532	United States	7/28/13
Holly Southerland	Sonora	California	95370-7404	United States	7/28/13
Elaine Edgerton	fulton	New York	13069	United States	7/28/13
Tammy Miser	Lexington	Kentucky	40517	United States	7/28/13
Richard Evens	Las Vegas	Nevada	89169	United States	7/28/13
Luci Enza	palm springs	California	92260	United States	7/28/13
Julia Chrstensen	BOISE	Idaho	83709	United States	7/28/13
Carmen Gibson	Peru	Indiana	46970	United States	7/28/13
Dawn Smith	Peru	Indiana	46970	United States	7/28/13
Paul Samuelson	Delhi	Iowa	52223	United States	7/29/13
michelle myers	Port Angeles	Washington	98362	United States	7/29/13
Susan Davis	North Dartmouth	Massachusetts	2747	United States	7/29/13
diane closser	peru	Indiana	46970	United States	7/29/13
Adam Hilt	Rushville	Indiana	46173	United States	7/29/13
Luke Thomsen	Manchester	Iowa	52057	United States	7/29/13
Clayton Miller	Dyersville	Iowa	52040	United States	7/29/13
Jill Rahe	Earlville	Iowa	52041	United States	7/29/13
Elisa Cohen	SILVER SPRING	Maryland	20901	United States	7/29/13
Briana Rumple	Pekin	Illinois	61554	United States	7/29/13
charles williams	walford	Iowa	52351	United States	7/29/13
Billy Hector	spring lake hts	New Jersey	7762	United States	7/29/13
Erica Dimuzio	Toms River	New Jersey	8753	United States	7/29/13
Prudie Donner	s lake tahoe	California	96150	United States	7/29/13
Lisa Hall	howell	New Jersey	7731	United States	7/29/13
Andrea Marano	Brick	New Jersey	8723	United States	7/29/13
randy litz	pekin	Illinois	61554	United States	7/29/13
David Craig	Pekin	Illinois	61555	United States	7/29/13
Tara Wilmot	Pekin	Illinois	61554	United States	7/29/13
MICHELLE TESTA	OVIEDO	Florida	32765	United States	7/29/13
Lori Darling	Creve Couer	Illinois	61610	United States	7/29/13
Peggy Lands	Eatontown	New Jersey	7724	United States	7/29/13
Johanna Kuhlman	Dyersville	Iowa	52040	United States	7/29/13
Barbara Heiser	Howell	New Jersey	7731	United States	7/29/13
Shawn Muth	Pekin	Illinois	61554	United States	7/29/13
JANET MCKINLEY	Pekin	Illinois	61554	United States	7/29/13
Laura Wenger	central city	Iowa	52214	United States	7/29/13
Angi Vance	Pekin	Illinois	61554	United States	7/29/13
penny jo major	pekin	Illinois	61554	United States	7/29/13
BRIAN BEVILL	MAPLETON	Illinois	61547	United States	7/29/13

Mindy Hauser	Manchester	Iowa	52057	United States	7/29/13
Erica Gusk	howell	New Jersey	7731	United States	7/29/13
Donna Marano	Brick	New Jersey	8724	United States	7/29/13
Todd Dourneen	Pekin	Illinois	61554	United States	7/29/13
Lindsay Boldt	Parlin	New Jersey	8859	United States	7/29/13
Spenser Vande Voorde	Delhi	Iowa	52223	United States	7/29/13
Lorraine Gaffney	Ryan	Iowa	52330	United States	7/29/13
jim ellis	dallas	Texas	75209	United States	7/29/13
Cathy Lloyd	Redford	Michigan	48240	United States	7/29/13
Cat Cambra	Peoria	Illinois	61615	United States	7/29/13
Martha Collins	Frostproof	Florida	33843	United States	7/29/13
Darlene Blackwell	Pekin	Illinois	61554	United States	7/29/13
Joelle Cook	Seattle	Washington	98115	United States	7/29/13
Kristy Nelms	Pekin	Illinois	61554	United States	7/29/13
Maureen Breyer	Manchester	Iowa	52057	United States	7/29/13
Josh Swink	Longmont	Colorado	80501	United States	7/29/13
Spencer Archer	Sacramento	California	95827	United States	7/29/13
Robin Kehrli	Ryan	Iowa	52330	United States	7/29/13
Lynn Gabriel	Mesa	Arizona	85209	United States	7/29/13
Cynthia Mefford	Alburnett	Iowa	52202	United States	7/29/13
joan langlois	howell	New Jersey	7731	United States	7/29/13
James Jordan	Champlin	Minnesota	55316	United States	7/29/13
Christine Graef	Mesa	Arizona	85209	United States	7/29/13
Judith Aquino-Cilento	Bridgewater	New Jersey	8807	United States	7/29/13
Rosemary Howley	Oakland	California	94618	United States	7/29/13
Marie Gilkey	Rich Hill	Missouri	64779	United States	7/29/13
Elba Crump	Jackson	New Jersey	8527	United States	7/29/13
Jan Egerton	United Kingdom				7/29/13
Charolette Price-Jensen	West Jordan	Utah	84081	United States	7/29/13
Barbara Voetsch	Middletown Township	New Jersey	7738	United States	7/29/13
Jawad Qasrawi	Sheffield		S8 9RL	United Kingdom	7/29/13
Randy Bradley	Lexington	South Carolina	29073	United States	7/29/13
sarah menne	brick	New Jersey	8723	United States	7/29/13
Rose Aquino	Livingston	New Jersey	7039	United States	7/29/13
Judith Gawlik	Elyria	Ohio	44035	United States	7/29/13
shawn mattison	phila	Pennsylvania	19149	United States	7/29/13
David Loughlin	Myrtle Beach	South Carolina	29577	United States	7/29/13
George Henderson	Pekin	Illinois	61554	United States	7/29/13

vinnie dietrick	west orange	New Jersey	7052	United States	7/29/13
DAN URICOLI	MARGATE	Florida	33063	United States	7/29/13
wendy updegraf	Toms River	New Jersey	8753	United States	7/29/13
Dan Young	St. Louis	Missouri	63110	United States	7/29/13
Lesa Cala	Beachwood	New Jersey	8722	United States	7/29/13
Thomas Shaffer	Summerton	South Carolina	29148	United States	7/29/13
Joshua Wheeler	Brick	New Jersey	8724	United States	7/29/13
maria tarullo	Howell	New Jersey	7731	United States	7/29/13
Shannon Foiles	Bartonville	Illinois	61607	United States	7/29/13
Rene Wohleb	Blum	Texas	76627	United States	7/29/13
Catie Leach	Livermore	California	94550	United States	7/29/13
John Woodward	Wolverhampton			United Kingdom	7/29/13
Kathleen Black	Alexandria	Virginia	22308	United States	7/29/13
Trisha Saal	South Pekin	Illinois	61564	United States	7/29/13
Susan Giacchi	South River	New Jersey	8882	United States	7/29/13
chad mcnamara	Cedar Rapids	Iowa	52402	United States	7/29/13
Melo Pisha	Cypress	Texas	77429	United States	7/29/13
Lisa Equils	Howell	New Jersey	7731	United States	7/29/13
rebecca thum	bartonville	Illinois	61607	United States	7/29/13
Kyla Lux	Ryan	Iowa	52330	United States	7/29/13
Dustin Lux	Ryan	Iowa	52330	United States	7/29/13
aimee phillips	pekin	Illinois	61554	United States	7/29/13
Janine Di Muzio	Toms River	New Jersey	8753	United States	7/29/13
Diana Ryan	San Tan Valley	Arizona	85140	United States	7/29/13
Laura Archer	Reno	Nevada	89503	United States	7/29/13
Lorna Johns	Fishguard			United Kingdom	7/29/13
GUY DEVINCENTIS	MORRISTOWN	New Jersey	7960	United States	7/29/13
Courtney Turnis	Corning	Iowa	50841	United States	7/29/13
Debra Castellucci	Brampton		L6Z 4E4	Canada	7/29/13
Angiw Corcoran	Ryan	Iowa	52330	United States	7/29/13
Wendy Knelsen	St Thomas		N5p 4p2	Canada	7/29/13
Michelle Pulkrab	Lakewood	Colorado	80232	United States	7/29/13
Brooke Salin	Toms River	New Jersey	8753	United States	7/29/13
Vicki Staebell	Jesup	Iowa	50648	United States	7/29/13
Patty Gonzales	Fernley	Nevada	89408	United States	7/29/13
Sarah Wheelan	Callander		P0H 1H0	Canada	7/29/13
Alyssa Silver	Sioux City	Iowa	51108	United States	7/29/13
Heather Dudgeon	Rushville	Indiana	46173	United States	7/29/13
Jon Gelman	Wayne	New Jersey	07470-2805	United States	7/29/13

Marli Beer	Cobourg		K9A 1Z9	Canada	7/29/13
zachary klein	boston	Massachusetts	2130	United States	7/29/13
Lauren Benning	Waterford	Michigan	48327	United States	7/29/13
Carolyn Whittaker	Rushville	Indiana	46173	United States	7/29/13
Stacia Koontz	Manchester	Iowa	52057	United States	7/29/13

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**U.S. Senate Committee on Environment
and Public Works
Hearing:
“Strengthening Public Health Protections
by Addressing Toxic Chemical Threats.”
Wednesday, July 31, 2013**

I would like to thank the Committee for the opportunity to testify on S. 1009, the “Chemical Safety Improvement Act.” My name is Robin Greenwald. I have practiced in the field of environmental law most of my 30-year legal career. I spent nearly 20 years working for the federal government, as an Assistant United States Attorney in the Eastern District of New York, as an Assistant Chief in the Environmental Crimes Section of the U.S. Department of Justice and as General Counsel for the Department of the Interior, Office of Inspector General. In all of these positions I had the opportunity to work with scientists and attorneys at the Environmental Protection Agency. I also was the Executive Director of the Waterkeeper Alliance, an international organization dedicated to the protection of water bodies worldwide, and I was a Clinical Professor of Law at Rutgers College of Law, Newark. I am currently Of Counsel at the New York law firm Weitz and Luxenberg, where I head the Environmental and Toxic Tort Unit. In my various positions, I have worked with nearly every federal environmental statute and am familiar with principles of federal jurisprudence, including preemption, the Administrative Procedure Act and the Rules of Civil Procedure and Evidence. I am also a mother, and much of my work has been driven by the belief that we all have an obligation, regardless of our chosen profession, to protect public health for all segments of the population, to preserve our natural resources and to guarantee that future generations maintain their rights to challenge wrongdoing, both publicly and in the courts, and to be protected from industry irresponsibility that effects and compromises their health and life choices.

I wholeheartedly support efforts to reform the Toxic Substances Control Act and I thank this committee for taking steps towards this goal. I am also encouraged by the willingness to reopen the discussion on this issue as I believe Congress has a responsibility to take chemical safety reform seriously. I have witnessed first-hand how this country’s failure to effectively regulate toxic chemicals has negatively impacted the health and safety of American families.

While my support for TSCA reform is unwavering, my view is that S. 1009, the “Chemical Safety Improvement Act,” as it is currently written, contains critical and fundamental flaws which will take chemical safety reform in the U.S. a step backwards rather than a step forward. Theoretically designed “to improve the safety of consumers in the United States [and] ensure that risks from chemical substances are adequately understood and managed by modernizing Title I of the Toxic Substances and Control Act . . .,”¹ current provisions in the bill unfortunately render it neither protective of public health and welfare nor an improvement over

¹ S. 1009, 113th Cong. § 2(a)(2).

the Toxic Substances Control Act (“TSCA”). While the bill as currently drafted has numerous flaws, I intend to focus my testimony on the following infirmities:

- S. 1009 effectively precludes private parties from bringing actions against chemical manufacturers for injuries caused by their chemicals. It does so by wiping out state statutory and common law, and by declaring the EPA’s safety determination *per se* admissible in court and dispositive of the issue of the chemical’s safety, even when there is newly acquired safety information generated after EPA’s safety determination.
- S. 1009 takes the unprecedented step of preempting states from enforcing existing laws and/or promulgating new laws designed to supplement federal law regulating toxic chemicals. In most federal environmental statutes, the federal standard sets a floor rather than a ceiling; this bill is unprecedented in the environmental statutory world by setting a ceiling;
- S. 1009 does not improve on TSCA’s cost-benefit safety standard. To ban or limit a chemical’s use, EPA still has the heavy burden of performing a complex and difficult balancing of costs and benefits rather than using a health-based standard, which would be more appropriate when regulating toxic substances. This cost-benefit type standard has rendered EPA nearly powerless to ban toxic chemicals pursuant to TSCA; and
- S. 1009 effectively blocks a state from evaluating any chemical deemed by the EPA as a “Low-Priority Substance”.

I. History proves that S. 1009 removes critically important and necessary checks and balances on the chemical industry.

S. 1009 empowers the chemical manufacturers industry while compromising states’ and citizens’ power to protect themselves. The bill, like the Toxic Substances Control Act (TSCA), establishes a system for approving chemicals either already in the marketplace or in the development stage. First, it places trust in the chemical industry to submit complete and truthful information to the EPA in support of its application to market its chemicals. Based on that information, the EPA either approves or disapproves the chemical. A determination of approval by the EPA is *per se* dispositive of a chemical’s safety in a judicial proceeding. In legislating that standard, S. 1009 negates the check and balance that comes with states’ or citizens’ suits that challenge a chemical’s safety. Moreover, the proposed bill deprives states of their fundamental police power to promulgate more stringent testing before a chemical can be used and exposes a state’s own citizens. In doing so, the bill strips the country of yet another important check on dangerous decision-making.

The bill banks on the assumption that chemical manufacturers will always act in the interest of public safety, rather than in the name of profits, by being candid and forthright in disclosing ALL of the information they have amassed about their chemicals and the potential dangers of their use, especially if that disclosure risks their approval. History tells us that the industry cannot always be trusted to place public safety above their bottom line; and when the industry fails to do so, it puts the health of millions of Americans at risk. Yet S. 1009 proposes to shield the industry more than ever before by removing the threat of litigation for injuries caused by chemicals and by stripping states of their right to impose more stringent health and safety standards. A review of some examples shows the importance of protecting citizens' and states' ability to bring suit. The below examples may never have been brought to light if S. 1009 were law.

1. Industry deceit about vinyl chloride.

Consider those companies that manufactured vinyl chloride, for example. Chemical manufacturers, supported by the Chemical Manufacturers Association, engaged in a widespread cover-up of the evidence they had of vinyl chloride's health risks. When people increasingly became sick from exposure to vinyl chloride in the workplace, lawsuits were brought against PP&G, Dow Chemical, Ethyl Corporation, B.F. Goodrich and others. As explained below, those lawsuits, as well as other events, uncovered decades of deceit by the chemical industry about the dangers of vinyl chloride.

A brief history is instructive.² The first experimental evidence of vinyl chloride carcinogenicity was reported in 1969.³ Additional data were published in 1971,⁴ followed in 1974–1975 by disclosure of rare liver cancers in workers exposed to vinyl chloride.⁵ Upon release of these data, first disclosed through an anonymous source to the federal Occupational Safety and Health Association (OSHA), OSHA issued a notice effective April 1975 that vinyl chloride and polyvinyl chloride production plants must reduce Time-Weighted Average workplace exposure levels from 500 parts per million (ppm) to 1 ppm, to provide adequate

² A chilling, comprehensive rendition of the depth and breadth of the vinyl chloride cover up is produced by Chemical Industry Archives, a project of Environmental Working Group, together with links to the wealth of information withheld from the government and the public demonstrating the chemical industry's early knowledge of vinyl chloride's dangers, at <http://www.chemicalindustryarchives.org/dirtysecrets/vinyl/1.asp>. See also <http://www.deceitanddenial.org/docs/timeline.pdf>.

³ Dr. P.L. Viola, Regimi Elana Institute for Cancer Research, Rome, Italy, unpublished data. See <http://www.chemicalindustryarchives.org/dirtysecrets/vinyl/1.asp>.

⁴ Viola *et al.* 1971 at <http://cancerres.aacrjournals.org/content/31/5/516.full.pdf>.

⁵ Creech and Johnson 1974; Creech and Makk 1975; Maltoni 1974, 1975; Maltoni *et al.* 1974. See http://www.medscape.com/viewarticle/508568_2.

worker protection. Litigation years later exposed the breadth of the industry's early knowledge about and its failure to disclose the dangers of vinyl chloride.⁶

When OSHA issued the new exposure limit of 1 ppm, industry spokespeople used the age-old intimidation tactic of predicting widespread job loss and plant closures. Fortunately, OSHA did not succumb to industry's veiled threat and, in less than two years following the regulations' effective date, virtually all chemical manufacturing plants in the United States had been able to meet the new standard while maintaining rapid growth of sales volume. All it took was a small expenditure of money – and I mean small – and these improved safety measures were easily accomplished.

Yet it is now well documented that industry leaders had learned and failed to disclose as early as the 1950s – long before the 1975 OSHA standard -- that the then-existing limit of 500 ppm was far beyond a level that assured worker safety and health. In 1959, for example, internal industry experiments revealed micropathology in rabbit livers after repeat exposures to 200 ppm vinyl chloride monomer,⁷ causing Dow Chemical toxicologist Dr. Rowe to admit privately to his counterpart at B.F. Goodrich – *“We feel quite confident ... that 500 ppm is going to produce rather appreciable injury when inhaled 7 hours a day, five days a week, for an extended period. As you can appreciate, this opinion is not ready for dissemination yet and I would appreciate it if you would hold it in confidence but use it as you see fit in your own operations.”*

Vinyl chloride and polyvinyl chloride manufacturers also delayed public release of findings of liver angiosarcoma in vinyl chloride-exposed rodents by Dr. Cesare Maltoni.⁸ In 1972, the industry was briefed on Dr. Maltoni's report of primary cancers of both liver and kidneys at exposure levels as low as 250 ppm, **half** the then 500 ppm allowable exposure limit for workers. Nevertheless, in a meeting with government officials -- eight months after receiving this information -- industry representatives failed to disclose Dr. Maltoni's findings. The public began to learn of the hazards of vinyl chloride only in early 1974 through newspaper reports of the deaths of three workers in a B.F. Goodrich vinyl chloride plant in Louisville, Kentucky.⁹ Consistent with Dr. Maltoni's studies, the workers suffered from liver angiosarcoma.

In addition to evidence of liver cancer, starting in the 1970s the industry's internal studies

⁶ See affidavit of Dr. Judith Schreiber, Senior Public Health Scientist, New York State Department of Law, in *In The Matter of the Application of Resilient Floor Covering Institute v. New York State Department of Environmental Conservation*, outlining early knowledge about vinyl chloride's harmful effects at http://www.healthybuilding.net/pvc/NYS_vinyl_affidavit_js.pdf.

⁷ Markowitz and Rosner, *Corporate Responsibility for Toxins*, *Annals of the American Academy of Political and Social Science*, 584, November 2002.

⁸ Markowitz and Tosner 2002.

⁹ Creech and Johnson 1974.

revealed excess cancers in non-liver sites, including the respiratory system and the brain. Industry suppressed this information also. Indeed, the International Agency for Research on Cancer (IARC), unaware of the industry's internal studies, reported at the time that "*there is no evidence that there is an exposure level below which no increased risk of cancer would occur in humans.*" The truth was not discovered until the late 1970s, when IARC discovered the existence of international studies that disclosed that vinyl chloride is a human carcinogen with target organs including the liver, brain, lung and haemo-lymphopoietic system. We now know that the evidence to support this finding had existed decades earlier but had been intentionally suppressed by the very industry this bill would shield from liability for such deceit.

It is critically important for this Committee to understand how this type of information comes to light: it is not through intensive investigative research of either the OSHA or the EPA – they do not have the funds or the human resources to dig into the closets of large corporations to find the suppressed health studies. Rather, it is largely disclosed through judicial proceedings – the judicial process upon which all citizens rely and that time and again allows victims of wrongdoing to unveil information that would otherwise never be seen.

Here is another disturbing aspect of this saga. EPA had the information about vinyl chloride's dangers in the 1970s. Nonetheless, EPA waited until the year 2000 to finalize an update of vinyl chloride's toxicological information, over two decades after the federal government had proof of the carcinogenic effects of vinyl chloride. EPA explains this delay by claiming it could not establish a numerical estimate of vinyl chloride's potency and therefore could not decide whether to classify vinyl chloride as a carcinogen. Regardless of the legitimacy of that rationale, a two-decade process to determine a chemical's safety is inexcusable, as during those years workers continued to be exposed to harmful levels of the chemicals.

Of course, during those two decades the chemical industry had been provided with ongoing opportunities to weigh in on EPA's review of vinyl chloride's toxicity. EPA's 2000 vinyl chloride assessment downplayed risks from all cancer sites other than the liver. Its assessment reduced the cancer risk 10-fold – a big industry victory as it reduced the extent and costs of pollution reduction and clean-up measures.

The vinyl chloride story is but one illustration of the chemical industry's deceit and how EPA all too often takes action that serves industry rather than the public. At least under the current legal regime, states are permitted to cure these deficiencies and protect their citizens. But if S. 1009 were passed in its current form, states would be left powerless to fill the gaps left by the federal government.

2. Industry deceit about asbestos.

The vinyl chloride story is not an outlier. Owens Corning, Johns Manville and other asbestos manufacturers had reliable, proven information from their own experts that asbestos was dangerous and could and would kill many of those exposed to it. But asbestos promised to earn chemical manufacturers billions in revenue. Disclosing internal information they had about the dangers of the chemical risked those billions of dollars; suppressing the evidence meant the product could enter the stream of commerce. So the chemical industry suppressed its knowledge of asbestos' toxicity, in utter disregard for the health and safety of its workforce and for human life generally. In the words of one of these manufacturers: "... if you have enjoyed a good life while working with asbestos products, why not die from it."¹⁰ Need this Committee be reminded of the consequences of this depraved perspective: hundreds of thousands, if not millions of people to date have died or become seriously ill from asbestos-related diseases, including mesothelioma. Perhaps before taking any further action on this proposed bill the Committee would consider inviting the surviving spouses and children who watched their loved ones, with no hope of recovery, die an incredibly painful death from mesothelioma, to tell their stories. Asbestos is still legal in this country today and thousands more continue to die every year due to exposure to Asbestos-containing products.

3. Industry deceit about polychlorinated biphenyls (PCBs).

Monsanto Corporation, the principal manufacturer of PCBs in the United States, knew as early as the 1930s that PCBs caused serious health problems in workers. But as the case with vinyl chloride, asbestos and many other chemicals, it was keenly aware that public disclosure of this information would jeopardize the product's sales and years later would subject them to considerable liability for making people ill and degrading numerous communities around the country with PCB waste, such as Anniston, Alabama; Schenectady, New York; and Pittsfield, Massachusetts, to name a few. Moreover, faced with the choice between protecting public health and making money, these companies chose money. As a result, and similar to the stories above, Monsanto suppressed information it had about PCB's harmful effects.¹¹

S. 1009, with its broad preemptive effect, would undoubtedly result in a replay of these and many other similar events. The story of the marketing, manufacture and use of just these three

¹⁰ 1966 Bendix Corporation Letter, www.ewg.org/research/asbestos-think-again/industry-hid-dangers.

¹¹ A summary of Monsanto's deceit about PCBs' dangers is at <http://www.chemicalindustryarchives.org/dirtysecrets/annistonindepth/toxicity.asp>.

chemicals illustrates why significant changes must be made to S. 1009 for the health and safety of the country. In its current form, S. 1009 renders citizens even more powerless to protect themselves in the face of this powerful chemical industry than during the decades of the vinyl chloride, asbestos and PCB cover-ups. No one questions that the current TSCA needs major modification, but S. 1009 in its current form is not the modification required for many reasons, and I address several of these below.

II. Overview of Toxic Substances Control Act: What it did and did not accomplish.

As a backdrop to a more detailed discussion of the proposed Chemical Safety Improvement Act, I provide a brief overview of what I believe TSCA accomplished and what it did not. I further outline several relevant TSCA provisions that illustrate why improvement is needed in specific areas that are mishandled or altogether ignored by the proposed bill. Finally, I address the manner in which the proposed bill increases the power of the chemical industry and relies upon the judgment and discretion of that industry to make decisions despite its history of abusing its responsibilities.

Congress passed TSCA to address, and theoretically to redress, the Executive Branch's lack of oversight of chemicals in commerce. Earlier clean water and clean air laws and regulations were focused primarily on the waste streams from manufacturing, not on the chemical themselves. These Acts generally relied on EPA to establish standards and demonstrate risks before taking enforcement actions. Through TSCA, the federal government was permitted exercise authority over production and use decisions, thereby regulating the type and nature of chemicals that could be manufactured and placing limitations on their use. TSCA permits the EPA to regulate toxic substances in several ways, from outright banning of chemical substances to testing and labeling requirements. These safeguards have had some important beneficial impacts for society (for example, the banning of PCBs), but these measures do not go far enough.

TSCA's provisions vary as applied to new versus existing chemicals. A "new chemical substance" is defined as "any chemical substance which is not included in the chemical substance list compiled and published under [TSCA] section 8(b)." This list, called the "TSCA Inventory," is a list of all chemical substances in commerce prior to December 1979. All chemicals on the market prior to this date are considered existing chemical substances. This list represents 99% by volume of chemicals on the market today. Under TSCA, these existing chemical substances are considered *per se* safe unless EPA can demonstrate that they present an unreasonable risk to human health or the environment. This method of identifying *per se* "safe" substances, needless to say, was the result of significant industry lobbying and involvement.

Certain sections of the bill are worth specific mention. Section 5 prohibits the manufacturing, processing or importing of a “new chemical substance” or “significant new use” of an existing substance unless a Pre-Manufacture Notification (PMN) is submitted to EPA at least 90 days before the commencement of the proposed activity. The PMN identifies the chemical, its physical characteristics, processing and use, and provides available toxicity data. During the 90-day review period, EPA reviews the chemical’s human and environmental risks and exposures, examining the data submitted in addition to other information. EPA may request more data, prohibit or limit manufacture, or halt the review process. The pre-manufacture submission requirements only apply to chemicals and products of biotechnology for industrial use, while different laws apply to any chemical used as a drug, food additive or pesticide. In addition, certain types of chemicals and chemical uses are exempted from the review process, and EPA is authorized to make future exemptions.¹²

Section 6¹³ authorizes EPA to issue regulations to address the risks of existing substances if “there is a reasonable basis to conclude that . . . a chemical substance or mixture . . . presents or will present an unreasonable risk of injury to health or the environment . . . using the least burdensome requirements” that are necessary to address that risk. Such regulations can be issued immediately when a threat of harm is imminent.

Section 4¹⁴ compels the EPA Administrator to require the testing of chemical substances or mixtures, new or existing, if (1) there are insufficient data to make an unreasonable risk determination and testing is necessary; and (2) the chemical substance or mixture (a) may present an unreasonable risk or (b) the chemical will be produced in substantial quantities and either (i) may enter the environment in substantial quantities or (ii) lead to significant or substantial human exposure.

Section 8¹⁵ authorizes EPA to promulgate rules that require chemical manufacturers, processors and distributors to maintain records and make reports on chemicals and mixtures. This includes requirements to submit health and safety studies, provide immediate notice of “substantial risks,” and maintain records of adverse health effects for 30 years. This Section allows EPA to issue rules to collect production and use information as well as information on disposal and byproducts, and includes the Inventory Update Rule, which generates an inventory every four years of all of the non-polymeric chemicals produced or imported into the United

¹² Ashford, N and C. Caldart. 1997, *Technology, Law and the Working Environment*, Washington, DC, Island Press.

¹³ TSCA, 15 U.S.C. § 2605.

¹⁴ TSCA, 15 U.S.C. § 2603.

¹⁵ TSCA, 15 U.S.C. § 2607.

States.

Section 9¹⁶ requires the EPA formally to refer regulation of an unreasonable risk to other agencies if that risk “may be prevented or reduced to a sufficient extent under a federal law not administered by the Administrator.” These “referral agencies” include OSHA and the Consumer Product Safety Commission.

I am informed by Dr. Nicholas Cheremisinoff, a renowned chemical engineer who has authored/co-authored more than 160 books on industry practices and worked extensively on developing environmental regulations in numerous countries under United States Agency for International Development funded programs, and with whom I recently consulted about TSCA and S. 1009, that despite the intent of these provisions to fill a substantial gap in the regulation of toxic substances, the implementation of TSCA has been largely unsuccessful, particularly for existing chemicals. In implementing restrictions on the manufacturing or use of toxic chemicals, the EPA has an extremely high burden before it can take action under TSCA. To restrict dangerous chemicals, EPA must prove that the chemical “will present an unreasonable risk,” that it is choosing the least burdensome regulation to reduce risks to a reasonable level, and that the **benefits of regulation outweigh the costs to industry**. EPA must do this on a chemical-by-chemical basis. As a result of this heavy burden, EPA has placed few restrictions on chemicals over the years.

Asbestos is one important example of TSCA’s shortcomings. EPA began regulating asbestos in the late 1980s. After ten years of research, public meetings and regulatory impact analyses, EPA issued a final rule under Section 6 of TSCA in 1989 to prohibit the future manufacture, importation, processing and distribution of asbestos in almost all products. The asbestos industry challenged EPA’s ban. In a landmark case,¹⁷ the court all but eliminated EPA’s ability to use Section 6 of TSCA to restrict dangerous chemicals. The court held that EPA had presented insufficient evidence, including risk information, to justify its asbestos ban. Specifically, the court found that EPA: (1) had not used the least burdensome regulation to achieve its goal of minimizing risk, (2) had not demonstrated a reasonable basis for the regulatory action, and (3) had not adequately balanced the benefits of the restriction against the costs to industry. The court further held that “EPA’s regulation cannot stand if there is any other regulation that would achieve an acceptable level of risk as mandated by TSCA” and that “EPA, in its zeal to ban any and all asbestos products, basically ignored the cost side of the TSCA

¹⁶ TSCA, 15 U.S.C. § 2608.

¹⁷ *Corrosion Proof Fittings v. EPA*, 947 F.2d 1201 (5th Cir. 1991).

equation.”¹⁸ While S. 1009 does not have TSCA’s “least burdensome requirements” safety standard,¹⁹ it retains TSCA’s “unreasonable risk” language and is vulnerable to being interpreted as placing a similarly heavy burden on EPA to impose even the most modest restrictions on a chemical.

In sum, TSCA’s shortcomings are perhaps best illustrated by the fact that EPA’s success rate in restricting chemicals is poor. Since its passage in 1976, EPA has restricted only five chemicals -- PCBs, chlorofluorocarbons, dioxin, asbestos, and hexavalent chromium -- under TSCA. EPA has only referred risks to other agencies, as required under TSCA Section 9, on only four occasions in 37 years.²⁰

To make matters worse, TSCA has even hindered EPA’s ability to provide public information on chemical production and risk by creating broad confidential business information provisions. During TSCA’s early history, industry had to substantiate confidentiality claims; claiming confidential business information now requires little more than a routine check-off procedure. A 1998 EPA analysis found that 65 percent of the information in industry filings with the Agency under TSCA was submitted as confidential.²¹ About 40 percent of substantial risk notifications by industry claims confidentiality for the identification of the chemical, thus keeping from the public which chemicals are acknowledged to be dangerous to health and safety.²² S. 1009 permits the same *pro forma* claims of confidentiality.

III. S. 1009, rather than providing needed improvements to TSCA, presents new and greater risks to public health and safety.

1. Preemption and Effective Immunity for Private Actions.

Section 15 of the bill is broad in effect and raises serious concerns about its impact on state laws, including state common law. The section states that no state may create a new, or continue to enforce an existing restriction on the manufacture, processing, distribution, or use of a chemical after the EPA completes a safety determination for that chemical. Under this section, if the EPA takes *any* action on a chemical, state laws and state tort liability could be wiped out. This would have the effect of banning U.S. consumers from filing causes of action based on state tort law if they are harmed or killed by a toxic chemical. Further, states would be prohibited from

¹⁸ *Id.*

¹⁹ TSCA § 6, 15 U.S.C. § 2605(a).

²⁰ See www.chemicalspolicy.org/downloads/Chemicals_Policy_TSCA.doc.

²¹ *Id.*

²² *Id.*

creating new restrictions on such chemicals' manufacture, processing, or distribution for chemicals the EPA classifies as high- or low-priorities.

Further, S. 1009's preemption provisions effectively bar individuals from bringing private suits for injuries caused by exposure to approved chemicals. The bill provides that EPA's safety determination for a high-priority substance "shall be admissible as evidence in any public or private action in any court of the United States or State court for recovery of damages or for equitable relief relating to injury to human health or the environment from exposure to a chemical substance."²³ The bill moreover declares that the "safety determination **shall be determinative** of whether the substance meets the safety standard under the conditions of use addressed in the safety determination."²⁴ By dictating the admissibility and weight that an EPA "safety" finding must be given in a judicial proceeding, the proposed bill puts a further nail in the coffin of private actions by effectively shielding the chemical industry from lawsuits for injuries caused by their products. An attorney simply could not defeat summary judgment, even if he or she has abundant evidence of a chemical's danger and even if that evidence post-dates EPA's finding, because the court would be **bound** to make a finding that the subject chemical is safe based on EPA's determination and regardless of the evidence. This absolute barrier would be present regardless of whether an injured person files suit in federal or state court.

Based on my understanding and knowledge of the federal environmental laws, there is no other environmental law that declares the federal standard the ceiling, or declares that that ceiling is *per se* admissible in court and determinative of the issue of safety. Such a result would be counterproductive and potentially tragic for the health and safety of the populace. After all, it is important for the Committee to recall that the limitations on the use and/or outright ban of vinyl chloride, asbestos and PCBs, to name just a few, are largely the result of environmental groups and attorneys for private citizens who fought relentlessly to uncover the multiple layers of deceit perpetrated by the chemical industry.

2. Preemption of State Action.

Historically, TSCA's deficiencies have been addressed through individual state implementation programs. The proposed bill intends to preempt state regulations,²⁵ thereby potentially depriving the public of one of the most important – and perhaps the most efficient – safeguards in TSCA. Specifically, S. 1009 as currently drafted would preempt existing and

²³ S. 1009, 113th Cong. § 15(e)(1).

²⁴ S. 1009, 113th Cong. § 15(e)(2).

²⁵ S. 1009, 113th Cong. § 15.

future state regulations that, for example, require chemical companies to develop and provide test data and studies on chemicals.

The bill also would preclude states from imposing restrictions on the manufacturing, processing, distributing or use of a chemical that EPA has classified as a low-priority substance. This limitation on states' authority effectively means that no safety assessments will be performed on chemicals EPA declares to be low priority substances.²⁶ Furthermore, the bill would prohibit states from even challenging EPA's determination of whether a substance is high-priority or low-priority, because such a finding is not considered a 'final agency action' and thus is not subject to judicial review.²⁷ Finally, if the history of TSCA is a prologue for future EPA action, since the bill exempts low-priority substances from regulatory protections, and since EPA historically has classified the majority of chemicals as low-priority substances, states for the most part will be deprived of the ability to regulate the use of chemicals in their states and to require the manufacturer to provide information about a chemical's safety.²⁸

Such preemptive treatment in the environmental law arena is unprecedented, and there is a good reason why such sweeping preemption exists nowhere else.²⁹ The Tenth Amendment to the Constitution preserves states' exercise of police powers to protect the health and safety of their citizens. Courts have consistently recognized health and safety regulations to be at the heart of those constitutional police powers.³⁰

I am not aware of any other federal environmental law which blocks the states from regulating toxics more stringently than the federal government. Other than the proposed bill, federal environmental statutes quite properly set the floor for regulatory compliance.³¹ Section 15 of S. 1009, to the contrary, entitled "Preemption," strips the states of their police power to protect their citizenry. This provision is not only bad policy but may well not pass constitutional muster.

²⁶ This proposed bill would remove even those inherent police powers in instances in which the EPA has not yet undertaken regulation or will not be regulating a chemical substance (for example, a chemical it declares a low-priority substance: "The Administrator shall not perform safety assessments on low-priority substances, unless a low priority substance is redesignated [a high-priority substance]. S. 1009, 113th Cong. § 4(e)(3)(H)(ii)).

²⁷ S. 1009, 113th Cong. § 4(e)(5).

²⁸ See *supra* at page 8.

²⁹ For examples of the negative consequences of the preemption provision of S. 1009, see the Center for Environmental Health website at <http://www.ceh.org/making-news/press-releases/29-eliminating-toxics/656-center-for-environmental-health-opposes-the-chemical-safety-improvement-act-of-2013-lautenbergvitter-s1009-unless-substantial-changes-are-made-to-protect-the-health-of-american-families>.

³⁰ See Letter from Attorney General for the State of California for a discussion of the dangers of the bill's preemption provisions at <http://www.healthandenvironment.org/docs/CaliforniaAGMemoOnCSIAPreemption.pdf>.

³¹ See, e.g., 33 U.S.C. § 2718.

3. The Safety Standard and EPA's Burden to Uphold Action.

The proposed bill retains TSCA's onerous safety standard, defining "safety" as the lack of "unreasonable risk of harm to human health or the environment ... result[ing] from exposure to a chemical substance."³² A safety determination under the proposed bill requires the Administrator to determine "whether a chemical substance meets the safety standard under the intended conditions of use."³³ If the goal of S.1009 is truly as declared – "to improve the safety to consumers in the United States" – and in keeping with the bill's findings that "chemicals should be safe for the intended use of the chemicals" and "the unmanaged risks of chemical substances may pose a danger to human health and the environment" -- then this bill should include a strictly health-based standard requiring evidence of a "reasonable certainty of no harm." As now drafted, the standard based upon "unreasonable risk" requires EPA to engage in a complex balancing of costs and benefits rather than mandating a standard that forces the chemical manufacturers to carry the burden of proving that a proposed product does not present a threat to the public. As explained above, this standard functionally is the equivalent of the TSCA Section 6 standard that has hamstrung the agency from banning or limiting the use of chemicals.³⁴

Not only does EPA have a heavy burden before it can impose restrictions on a chemical, but those decisions are subject to a more onerous administrative standard than is generally required for the review of administrative actions. Under the Administrative Procedure Act, an agency's regulations will be upheld unless it is shown that the agency acted in an arbitrary or capricious manner.³⁵ The proposed bill abandons this well-established standard of agency action in place of a more onerous one that requires courts to set aside EPA rules requiring additional testing data, safety determinations and restrictions unless EPA can support its action with "substantial evidence." This standard functionally shifts the burden of proof to EPA to submit substantial evidence that a chemical is not safe for particular uses. EPA is not in the business of manufacturing chemicals and generally does not, and cannot financially afford to, commission studies about a chemical's safety or lack of safety. The contrast with the chemical industry's financial ability to present support for its product and attempt to carry a burden of proving a product's safety is stark.

³² S. 1009, 113th Cong. § 3 (16).

³³ S. 1009, 113th Cong. § 3 (15).

³⁴ See discussion *supra* at pages 10 and 11 and footnote 14.

³⁵ Administrative Procedure Act, 5 U.S.C. §706.

4. Low-Priority Substances Are Unchecked.

As explained above, judicial review of agency decisions made under this proposed bill is anemic. While the bill purports to permit judicial review of final agency action regarding approved uses for high-priority chemicals,³⁶ the bill precludes judicial review of agency of the threshold agency decision classifying a chemical as being a high-priority or low-priority substance.³⁷ The consequences of this are enormous because, once EPA decides that a chemical is a low-priority substance, [“t]he Administrator shall not perform safety assessments on [the chemical].”³⁸ That important determination, however, is based upon incomplete information. A low-priority substance identification is based on “available information” that the chemical “is likely to meet the safety standard under the intended conditions of use.”³⁹ The “information” that forms EPA’s low-priority finding is comprised of “information and data submitted to the Administrator by manufacturers and processors of the substance.”⁴⁰

The manufacturer and processor are allowed broad latitude to label the information presented to EPA as “confidential information,” thereby blocking the information’s availability from public review and comment. Further, the manufacturer and processor are not required to disclose to EPA the funding sources for the studies except to the “extent reasonably ascertainable.”⁴¹ Anyone who has made an effort to learn funding sources of industry-commissioned studies knows that industry sets up sufficient barriers between themselves and the institution performing the research to make it difficult at best to confirm the funding source. The “reasonably ascertainable” language allows industry to circumvent any requirement that it provide funding sources for the studies they submit.

One of the reasons the above provisions are so troublesome is that the structure of the bill favors a chemical being identified as a low-priority substance. In an instance, that chemical will be in the marketplace with no requirements and, indeed, no ability to provide additional or future assessment of the chemical’s safety and with no judicial review of the decision that has resulted in insulating the product from further review. While the bill permits judicial review of agency decisions regarding high-priority substances, there is hardly even the pretense of seeking real or ongoing evaluation of low-priority substances. The consequences are great: not only can the decision not be challenged by anyone, including a state, but a state also cannot, as explained

³⁶ S. 1009, 113th Cong. § (1).

³⁷ S. 1009, 113th Cong. § 4(e)(5).

³⁸ S. 1009, 113th Cong. § 4(e)(3)(H)(ii).

³⁹ S. 1009, 113th Cong. § 4(e)(3)(F).

⁴⁰ S. 1009, 113th Cong. § 4(c)(1)(A).

⁴¹ S. 1009, 113th Cong. § 4(b)(2).

above, require additional assessments for any substance the EPA identifies as low-priority. A misguided EPA decision effectively leaves the entire country powerless to defend itself against the placement of a dangerous chemical in commerce.

IV. Conclusion.

Fundamentally, S. 1009 suffers from multiple flaws, almost unprecedented in the world of environmental regulation to date. Under the bill, organizations and individuals who have fought so hard over the years to uncover the truth about chemicals would be barred from any meaningful participation in the assessment and accountability processes. Those guardians of our health and safety also would be effectively barred from bringing suit in the courts to challenge and expose wrongdoing by the chemical industry. States would not be permitted to fill the gaps left by the federal government and might be prevented from enforcing their current laws on toxic substances. And as a practical matter all interested parties, including the EPA, would be prevented from gaining full access to relevant company information about the chemical product. The bill puts the chemical manufacturing industry in charge of the health and welfare of our citizens and our environment. History proves that to be an unwise decision.

Consider this scenario: Chemical Company A develops Chemical X and submits an application to EPA for permission to sell Chemical X for Y uses. Company A has been developing Chemical X for years and has commissioned and funded studies during that time to support the application. Company A has shielded disclosure of that funding by filtering the funding through other entities in such a way so as to avoid the “reasonably ascertainable” standard for disclosure. Neither the public nor EPA know pre-application that Chemical X is being developed or that Company A intends to seek approval to market Chemical X for Y uses in the United States. The application is submitted and the states and the public, while given an opportunity for comment, must amass information and fight the uphill battle of challenging industry-controlled (and most likely funded) studies during the public comment time frame. It is a battle that rarely, if ever, can be won.

Assume a slightly different scenario. Company A submits information to EPA that Chemical X should be identified as a low-priority substance. The states and the public amass a body of peer-reviewed studies by top-notch scientists from around the world that show that Chemical X has the potential for high hazard and high exposure and, therefore, should be identified as a high-priority substance. Company A submits a fraction of the information submitted by the states and the public, and either does or does not disclose that it paid for each study it submitted in support of the low-priority substance determination.

Despite the fact that the evidence is overwhelming in favor of identifying the chemical as high-priority which, in turn, would trigger the assessment process established by the bill, EPA nevertheless issues a notice of its determination that Chemical X is a low-priority substance. That decision is not subject to judicial review. It is final. End of story. Company A is now permitted to market Chemical X for Y uses in the United States, without any further assessment, despite the overwhelming evidence that X is not safe. Citizens are not able to hold the manufacturers accountable in a court of law and states are left powerless to exercise their police power to impose additional assessments before the product is marketed to their citizens.

The bill in several ways steps back in time to an era where industry safety claims about their products went unchallenged. The public health and welfare should not only be entrusted to chemical manufacturers and a federal agency with limited powers and resources. Enforcement of state law, both by private citizen suits and state enforcement actions, are essential components to fully protecting human health and safety. This multi-layered approach to protecting public health has been in operation for decades, and while TSCA reform is sorely needed, such reform need not disrupt or eviscerate this comprehensive system of checks and balances.

I am honored by the opportunity to provide this commentary and I look forward to doing anything I can to aid this Committee in its efforts to achieve meaningful TSCA reform.

Testimony of Mark N. Duvall

Before the Committee on Environment and Public Works

United States Senate

**“Strengthening Public Health Protections by Addressing Toxic
Chemical Threats”**

July 31, 2013

Thank you for inviting me to testify at this hearing. My name is Mark N. Duvall. Although I represent a variety of clients on TSCA issues, I am appearing here today solely in my personal capacity, and the views I express today are my personal views. For clarity, in my appearance here today, I am not representing my law firm or any client of my law firm.

I have extensive experience with the Toxic Substances Control Act (TSCA). I have been advising clients on TSCA for nearly 30 years.

I have studied the TSCA legislation that has been introduced this year, both the Safe Chemicals Act of 2013 (SCA), S. 696, and the Chemical Safety Improvement Act (CSIA), S. 1009. My comments today focus on the issue of preemption.

1. Comparison of Preemption Provisions in TSCA, SCA, and CSIA

TSCA today has a fairly strong preemption provision. Actions by EPA under section 4, 5, or 6 with respect to a chemical will generally preempt State and local restrictions on that chemical that address the same risk. States may apply to EPA for a waiver of preemption. In practice, there has been little occasion for this preemption provision to come into play, and EPA has never been asked for a waiver.

EPA has adopted very few rules under section 6 other than those for PCBs, which have been held to preempt local restrictions on PCBs. If section 6 of TSCA worked better, EPA could be expected to adopt more rules on chemicals that preempt State and local restrictions on those chemicals.

Few if any States or localities have adopted testing requirements that could be preempted by EPA test rules under section 4.

EPA has adopted over 2,000 significant new use rules (SNURs). EPA has also issued many orders under section 5(e) for both PMN and SNUR chemicals. As rules or orders under section 5, they could preempt State or local restrictions on those chemicals. However, few States or localities have adopted restrictions for those chemicals.

The SCA takes a radically different approach to preemption from TSCA today. No State or local restriction on a chemical would be preempted unless compliance with both that restriction and EPA's restriction would be impossible, in which case the State or local restriction would be preempted. The SCA thus does nothing to bring regulation of chemicals in products sold nationally to the national level.

The CSIA's preemption provision is much closer to that of TSCA currently. As under TSCA today, actions by EPA under section 4, 5, or 6 with respect to a chemical will generally preempt State and local restrictions on that chemical. States may apply to EPA for a waiver of preemption. The CSIA introduces two new EPA actions under section 4 and 6, a prioritization decision and a safety determination. Either of those EPA actions for a chemical will preempt certain kinds of State or local restrictions for that chemical.

2. A Strong Preemption Provision Is Appropriate

The CSIA has a strong preemption provision. That is appropriate for a statute such as TSCA that is primarily aimed at managing the risks of chemicals that may become components of products that are distributed nationally or internationally. For the most part, products sold in any one state are also sold throughout the country. A State restriction on the chemicals in a product sold in that State effectively may become a national standard, since manufacturers generally cannot vary the content of their products by State. This means that manufacturers must monitor the laws of all States and tailor the content of their products to meet all applicable State requirements. Thus, State product content restrictions directly burden interstate commerce.

TSCA provides a federal response to the concerns underlying State product content restrictions. Until now, TSCA has limited EPA's ability to address those concerns. The CSIA will enable EPA to address those concerns faster and more comprehensively than has been possible under TSCA to date. Where EPA has addressed a chemical under TSCA, in many circumstances its actions should preempt State and local restrictions on the use of that chemical in products.

The CSIA significantly expands the role of States in EPA's decisionmaking under TSCA. Today, States have at most a peripheral role in EPA's implementation of TSCA. Their role would not be greater under the Safe Chemicals Act. In contrast, the CSIA makes States important contributors to EPA's implementation of TSCA. States can have access to confidential business information, under appropriate safeguards. The role of States begins with the prioritization process. If a State has concerns about a chemical (for example, because it has enacted a restriction on the use of that chemical in products sold in the State), the State may nominate it for immediate consideration in EPA's prioritization process. The State may bring important information to EPA's attention to help it prioritize the chemical appropriately. EPA must give quick consideration to the State's nomination of a chemical for prioritization, as the bill gives EPA only six months in which to designate a State-nominated chemical as either a high priority or a low priority for a safety assessment and safety determination. Where EPA has designated a chemical as a high priority, a State has the opportunity to provide additional information for EPA to evaluate in making its safety assessment and safety determination. Where EPA determines that a chemical does not meet the safety standard under the intended conditions of use, a State may provide comments to EPA on the risk management measures that EPA should adopt.

In short, the CSIA shifts the focus of regulation of chemicals in products sold in interstate commerce from individual States to the national level, while creating an important role for States in evaluating and regulating those chemicals at the national level.

3. The CSIA Preemption Provision Has Important Limitations

In evaluating the CSIA's preemption provision, it is important to recognize the limited scope of that provision.

First and foremost, it does not preempt any State or local requirements that apply to large numbers of chemicals. Instead, at most it preempts the application of those requirements to individual chemicals for which EPA has taken a preemptive action. EPA will need years to prioritize chemicals and to complete safety determinations. Until it does one or the other, there will be no preemption.

Second, the provision does not apply to State or local requirements related to water quality, air quality, or waste management. Thus, many state environmental laws will remain unaffected.

Third, the provision does not apply to State or local laws related to the end-of-life for chemicals or products. Recycling, product take-back, and disposal restrictions will not be preempted.

Fourth, the CSIA does not preempt any reporting requirements. As I will discuss, this means that most state green chemistry laws will not be affected. Nor does it preempt any State statutes based on federal law, such as the Clean Air Act.

Fifth, the scope of a safety determination limits the scope of preemption. If a safety determination addresses some uses of a chemical but not others, State or local restrictions on the uses not addressed in the safety determination would not be preempted.

Sixth, the provision has a waiver provision. A State or locality may apply to EPA for a waiver of preemption. If EPA agrees that certain criteria are met, it can waive preemption. One criterion is that the State or locality shows that compelling State or local conditions warrant granting the waiver. Several federal statutes require demonstration of “compelling local conditions” to justify State action in the face of federal action, including the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. §§ 346A and 360k, and the Occupational Safety and Health Act of 1970 (OSH Act), 29 U.S.C. § 667.

Despite some criticisms of these criteria, they are not significant obstacles for States or localities. OSHA has determined that the phrase “compelling local conditions” in the OSH Act’s preemption provision does not require uniquely localized risks. In its approval of California’s plan to add Proposition 65 to its State plan, OSHA concluded, 62 Fed. Reg. 31159 (June 6, 1997):

Conditions unique to a given State are a sufficient, but not a necessary, basis for a finding of compelling local conditions OSHA has never said that a State must establish that the conditions of concern to the State’s lawmakers are not prevalent in any other State as well. Such an interpretation would be inconsistent with the plain meaning of “compelling”; more than one State may have a compelling interest in regulating particular safety issues. Simply put, “compelling local conditions” are compelling conditions which exist locally.

On judicial review, a court specifically found that “OSHA’s construction of [the] ‘compelling local conditions’ requirement is permissible under the Court’s deferential review.” *Shell Oil Co. v. U.S. Department of Labor*, 106 F. Supp. 2d 15 (D.D.C. 2000). EPA is likely to follow OSHA’s construction in considering a waiver request asserting “compelling State or local conditions.” Thus, a State or locality would only have to establish that compelling conditions justifying a waiver exist within its borders, not that those conditions are unique to that jurisdiction.

Another criterion for a waiver is that compliance with the State or local restriction would not unduly burden interstate or foreign commerce. In the same proceeding, OSHA also found that adding Proposition 65 to the California State plan would not unduly burden commerce. The court upheld that finding as well. The “not unduly burden” criterion, which appears in numerous federal statutes, is unlikely to be a substantial hurdle for a waiver.

4. The CSIA Preemption Provision Will Have Little Impact on State Green Chemistry Laws

An important question is how the CSIA will impact state green chemistry laws, such as California’s proposed Safer Consumer Products (SCP) regulations. The answer is that there will likely be little or no impact.

Upon passage of the CSIA, the SCP regulations will be unaffected, because EPA will not have taken any preemptive actions. Under the regulations as proposed, the Department of Toxic Substances Control (DTSC) must identify Priority Products containing Chemicals of Concern. At that point, a responsible entity who makes or sells a Priority Product containing a Chemical of Concern must notify DTSC. This is a reporting requirement, and as such will not be preempted by the CSIA. Next, the responsible entity must conduct and submit an Alternatives Analysis. This is also a reporting requirement, and so will not be preempted. DTSC must evaluate the Alternatives Assessment. After doing so, DTSC may choose to impose restrictions. Any restrictions related to end-of-life will not be preempted. The only kind of DTSC restriction that will be preempted is one that relates to the manufacture, processing, distribution, or use of a chemical for which EPA has taken a preemptive action. In practice, it is unlikely that many entities selling consumer products in California will go through the full process of notification, Alternatives Analysis, and restriction. Most will choose to reformulate or to remove the product from the California market. Thus, in the vast majority of cases, there is likely to be no preemption at all.

Similarly, under the green chemistry law in Washington, the Children’s Safe Products Act, responsible entities must notify the Department of Ecology that they sell into the State a children’s product containing a Chemical of High Concern to Children (CHCC) at or above the relevant threshold. This is a reporting requirement, and as such will not be preempted by the CSIA even after EPA takes action on a CHCC.

Maine’s green chemistry law, Toxic Chemicals in Children’s Products, also has a notification requirement. Like California’s SCP regulations, it can require responsible entities to

conduct and submit alternatives assessments. As reporting requirements, these requirements will not be preempted by the CSIA. Only in limited cases can the Maine Department of Environmental Protection restrict chemicals in children's products. Those restrictions could potentially be preempted by EPA taking a preemptive action with respect to the chemicals involved.

3. The CSIA Preemption Provision Will Have Little Impact on Tort Suits

The CSIA will not have a significant impact on tort suits. It will not preempt them, nor will it determine their outcomes.

It is clear that the drafters did not intend for EPA action to preempt tort suits, as indicated by the provision that refers to the use of an EPA safety determination for a chemical in tort suits related to that chemical. To clarify the limited intent of the preemption provisions, it may be appropriate to amend the provision to refer to preemption of State or local statutes or administrative actions rather than the broader term "restrictions."

The CSIA preemption provision would deem an EPA safety determination to be admissible in court proceedings. This is not a significant limitation on tort cases. Courts already routinely take judicial notice of official federal actions. This requirement is simply an extension of current practice.

The CSIA preemption provision will make a safety determination for a chemical substance "determinative of whether the substance meets the safety standard under the conditions of use addressed in the safety determination." The question of whether a chemical substance meets the newly-created safety standard under the CSIA is not determinative of the outcome of tort suits. There the question is typically whether the defendant violated a common-law duty or an applicable legislative or regulatory obligation. The safety standard under the CSIA has no direct relationship to common-law duties or legislative or regulatory obligations other than those under TSCA.

* * * * *

In conclusion, the CSIA's preemption provision will help promote a level playing field for products sold throughout the nation, without crippling state green chemistry laws or limiting tort suits.

Thank you for considering this testimony.

Testimony of Kenneth A. Cook**President
Environmental Working Group****Before the****Committee on Environment and Public Works
United States Senate****On****Strengthening Public Health Protections by Addressing Toxic Chemical Threats****July 31, 2013**

Chairman Boxer, Ranking Member Vitter and distinguished members of the committee: I'm Kenneth A. Cook, president of the Environmental Working Group, a nonprofit research and advocacy organization based in Washington, D.C., Iowa and California.

I want to thank you, Chairman Boxer, for your leadership in organizing these panels today to discuss comprehensive reform of the Toxic Substances Control Act and for the opportunity to testify. There is widespread agreement that TSCA is broken and must be overhauled to protect public health and the environment. Today's hearing is an important step toward developing landmark legislation that will finally ensure that the chemicals to which we are all exposed in our everyday lives are safe – especially for children, our most vulnerable population.

I also want to acknowledge the loss of Senator Frank Lautenberg, widely acknowledged as the father of TSCA reform. Senator Lautenberg was a champion of consumer protection throughout his illustrious career in the United States Senate and the reform of TSCA fit perfectly with this mission. Ever since Senator Lautenberg decided to tackle this challenge nearly a decade ago he was a tireless advocate for reform, and testifying before this committee on this important issue just doesn't feel the same without him here.

For two decades, EWG has conducted research on the impact of toxic chemicals on Americans' health. Many of these toxic chemical exposures come from ordinary consumer products we all use – such as flame retardant coatings on sofa upholstery, nursing pillows, car seats, children's tents and nap mats, chemical components of nonstick cookware and stain repellents and chemicals used to make clear plastic water bottles.¹ These toxic chemicals are polluting people's bodies – our blood, our fatty tissue and even breast milk.²

Even more startling is the reality that toxic industrial pollution begins in the womb. In 2004 and 2009, EWG's groundbreaking research identified nearly 300 industrial chemicals in the umbilical cord blood of 20 American newborns.³ These tests detected mercury; common fire retardants like tetrabromobisphenol A, or TBBPA, found on car seats, playpens and baby swings;⁴ bisphenol A, part of

the epoxy coating inside food cans⁵ and perchlorate, a rocket fuel component. We also found lead, polychlorinated biphenyls and pesticides the federal government banned more than 30 years ago – decades before these children were conceived.

Exposure to even miniscule amounts of toxic industrial chemicals matters. Studies have found that children exposed in the womb to some common pollutants display measureable learning, memory and behavior delays that persist through childhood.⁶ We have seen disturbing health trends associated with toxic chemical exposures, including more birth defects in the reproductive organs of baby boys,⁷ earlier puberty in girls,⁸ skyrocketing rates of autism, now at 1 in 50 American children,⁹ more attention deficit-hyperactivity disorder¹⁰ and higher incidence of certain childhood cancers.¹¹ American pregnancies are at risk, with decreasing birth weights¹² and more newborns diagnosed with thyroid disease.¹³ A growing body of scientific research has established that exposure to toxic chemicals during fetal development and childhood can permanently alter a person's health and development.^{14,15}

These data, along with biomonitoring studies conducted by the federal Centers for Disease Control and Prevention,¹⁶ raise serious concerns about the lasting effects of lifelong exposure to complex mixtures of toxic chemicals. The President's Cancer Panel declared in 2010 that the number of cancers caused by toxic chemicals is "grossly underestimated" and warned that Americans face "grievous harm" from chemicals that contaminate air, water and food.¹⁷

The Environmental Protection Agency has been given responsibility but little authority for enforcing the Toxic Substances Control Act. When this law was enacted in 1976, Congress grandfathered more than 60,000 chemicals already on the market. To date, the EPA has thoroughly assessed the safety of only a few hundred. By last year, the agency had targeted 83 of the grandfathered chemicals on grounds they pose high concern for human health and the environment.¹⁸ Earlier this year, the U.S. Government Accountability Office determined that the EPA does not have enough toxicity and exposure data to assess properly 70 percent of those chemicals.¹⁹ At its current pace, GAO said, the agency could take another decade to complete assessments of the 83 chemicals on the list.²⁰

The consequences of inaction are serious. For instance, the ubiquitous fire retardant TBBPA has been on the market for more than 20 years. The U.S. chemical industry makes more than 100 million pounds of it yearly. Among its uses are consumer electronics and children's products like baby carriers, playpens, car seats and baby swings.²¹ Yet this chemical was not tested for carcinogenicity until the federal government's National Toxicology Program initiated a study in 2007. The NTP's preliminary findings, made known last April, were chilling: TBBPA caused aggressive uterine cancer in female rats.²²

The federal law's failures are not limited to existing chemicals. The EPA approves an average of 600 new chemicals per year, often without toxicity data. Thousands of chemicals in widespread use in our homes, schools and communities have not been thoroughly studied for their health implications.

The Chemical Safety Improvement Act is worse than current law

The Chemical Safety Improvement Act will not fix the problem. It would preserve some of the worst features of the Toxic Substances Control Act. And yet it would prevent states from enacting their own, more protective, regulations, and it would prevent individuals from seeking remedies through the legal system. Americans would wind up with less government vigilance over hazards posed by toxic chemicals.

Thirty-four law professors and legal experts have warned this committee that if the Chemical Safety Improvement Act becomes law, the EPA still might lack the power to ban dangerous substances like asbestos – a chemical that causes 10,000 deaths per year in this country.²³ (See Attachment A).

This proposal's safety standard is too weak. Current law and the Chemical Safety Improvement Act both require that the EPA consider the safety of a chemical against a standard of "unreasonable risk."²⁴ This standard assumes that the public must tolerate "reasonable" harm. The Chemical Safety Improvement Act would likely allow numerous chemicals that present some risk of harm to escape regulation. This is especially troubling given the impacts of toxic chemical pollution on vulnerable populations like pregnant women, children and workers.

Furthermore, safety assessments under this bill would be limited to "intended conditions of use."²⁵ The intended use and actual use of a chemical can vary widely over time.

Pesticide manufacturers have met a much higher standard set by the Food Quality Protection Act of 1996 – "reasonable certainty of no harm" – for nearly twenty years. Most Americans would agree that chemicals in consumer products should be as safe as pesticides.

The Chemical Safety Improvement Act, like current law, would require the EPA to conduct an onerous balancing of costs and benefits and analysis of alternatives before restricting the use or manufacture of a chemical. To ban or phase out a chemical, the EPA would first have to consider: the costs and benefits of the proposed regulatory action and of potential alternative actions, the costs and benefits of the chemical and alternatives to the chemical, the availability of feasible alternatives for the chemical and the risks posed by alternatives to the chemical.²⁶

The Chemical Safety Improvement Act replicates numerous other deficiencies contained in current law. For example:

-- The EPA need not give special consideration to vulnerable populations such as children, workers, pregnant women and residents of so-called fenceline communities near heavy polluters. Ignoring young, weak or poor Americans and people already exposed to toxic pollution is a glaring omission.

-- Chemical companies would not be compelled to prove their chemicals are safe or even to submit a minimum amount of data to the EPA so it could assess them. The burden would fall on the EPA to show that these substances were potentially hazardous. Sometimes the agency would not have enough information to make sound decisions about chemicals.

-- The EPA could still let new chemicals on the market before determining that they were safe.

-- The EPA would not face hard deadlines to assess chemical safety.

-- Chemical companies would not have to pay reasonable fees to help defray the costs of the EPA's assessments. The taxpayers would underwrite most of the costs of chemical safety tests, and the companies would reap all the profits.

The bill's sweeping preemption provisions are deeply troubling. When the EPA cannot impose even modest restrictions on dangerous substances, others must step in. Nearly 20 states enacted chemical safety laws between 2003 and 2010, reforms supported by Democrats and Republicans alike.²⁷ The Chemical Safety Improvement Act would preempt existing and future state regulations.²⁸ Its provisions are unduly broad. In fact, the bill's preemption language is so problematic that three California state agencies have warned Congress that it could cripple state laws on everything from warning labels on consumer products to regulations that protect the public from toxic chemicals, ensure clean drinking water and curb ozone pollution.²⁹

In a sweeping section entitled "Effect on Private Remedies," the bill would cast EPA safety determinations as the final word on a chemical's safety during legal proceedings.³⁰ By limiting the right of judges and juries to evaluate and weigh relevant evidence on the potential harm caused by toxic chemicals, the bill could significantly chill lawsuits brought by people injured by these substances. The bill's section on private remedies would grant chemical companies virtual immunity from legal actions. Once the EPA issued its determination, a judge or jury could no longer consider the issue of safety, even when subsequent evidence called into question the agency's reasoning. People who were injured would have no legal recourse. Chemical manufacturers would have few incentives to reformulate their products to make them safer.

The Chemical Safety Improvement Act is a step backward, not forward

The Chemical Safety Improvement Act lacks key reforms considered critical to improving federal toxics regulation and protecting people from dangerous industrial chemicals. We recognize that bipartisan support is essential to securing passage of a chemical safety reform bill, but meaningful bipartisan compromise on what would be the first major federal environmental law in 16 years cannot become a reality without the solid support of environmental and public health communities.

Real reform means:

A solid safety standard that protects children. Any chemical safety reform bill must give priority to the protection of children. That is why EWG advocates the "reasonable certainty of no harm" safety standard found in the Food Quality Protection Act of 1996. It would put health first, not corporate profits. A standard of "reasonable certainty of no harm" would require the EPA to consider aggregate exposure to toxic chemicals and the many routes through which people are exposed to them when determining whether a chemical is safe. The EPA would not need to base its decisions on an assessment of costs and benefits. It is this standard that enables the EPA to issue meaningful rules under the Food Quality Protection Act that truly protect children from pesticides. A reform bill's safety standard should be modeled after such a health-protective framework.

Required submission of specific chemical safety data and testing information to the EPA. Chemical companies must be required to develop and submit to the EPA enough information about existing and new chemicals to ensure a proper evaluation. A good model is Europe's REACH program. The acronym stands for Registration, Evaluation, Authorisation and Restrictions of Chemicals. The minimum data sets required of chemical manufacturers should include existing safety data, including data prepared for European, Canadian, and U.S. screening programs, and internal company evaluations. Data submitted to the EPA must be sufficiently robust to allow the agency to set priority for a chemical, decide whether the agency needs more information and make a science-based determination of its safety.

Protection of vulnerable populations. The EPA must have the authority to take quick action to regulate chemicals that are most harmful to people, particularly vulnerable populations such as children, pregnant women, elderly people, workers, communities disproportionately affected by industrial pollution and low-income communities and communities of color too often residing in highly polluted areas. Although detection of a chemical in blood or cord blood does not prove harm, the presence of industrial chemicals in the human body is evidence of health risks. Chemicals that are getting into people's bodies should be given priority for assessment and management. Previous chemical safety reform bills have given high priority for evaluation to chemicals known to be hazardous to human health, including chemicals that persist and accumulate in the human body. EWG strongly supports such measures. Chemical reform legislation must target "hot spots" of industrial pollution to ensure that the unique issues facing fenceline and other disproportionately impacted communities are fully addressed.

Safety review of new chemicals. Most Americans assume that a chemical can't be sold until proved safe. They are wrong. In fact, according to a 2010 report by the EPA Inspector General, 85 percent of the premanufacture notices chemical manufacturers had submitted to the EPA to that date did not contain any toxicity data.³¹ Not all those chemicals were eventually offered for sale. Even so, it is troubling that chemical makers can sell new substances with so few hard facts about their safety.

The EPA is perennially trapped in a chemical Catch-22. It cannot demand more test data without hard evidence that a new chemical could be an unreasonable risk, and it cannot come up with such evidence without test data. This flawed process has exposed us and our children to toxic chemicals whose risks were unknown to the EPA and to the public until well after they entered the marketplace.

New chemicals must no longer be entitled to a presumption of innocence. The law should place the burden on chemical manufacturers to establish that a new chemical is safe by demanding that the EPA make an affirmative finding of safety before the substance is allowed on the market.

Preservation of states' rights to protect the public. Congress must not interfere with states' authority to fill voids left by federal law. States must have flexibility to respond to changing circumstances and the unique needs of their citizens. They must be able to tackle unforeseen chemical risks in coming years. For instance, the relatively new field of nanotechnology is producing materials that may pose risks unknown to the lawmakers who crafted the Toxics Substances Control Act during the Ford administration.³²

Timely review and regulation of problematic chemicals. Congress must ensure that the EPA moves in a timely manner to set priorities and regulate chemicals that raise concerns for public health and the environment. The EPA must have and meet hard deadlines for progress at each step in the chemical review process. The chemical industry must pay its fair share of the costs of tests that can ensure that chemicals are safe. As with other environmental laws, courts should defer to the agency's expertise as long as it can reasonably back up its decisions.

Conclusion

We applaud the committee for its commitment to making chemical safety reform a reality. We cannot support the Chemical Safety Improvement Act in its current form, but we look forward to working with you to build broad and deep support for safe chemicals legislation that will truly protect our children's health. Thank you for the opportunity to testify. I welcome any questions you may have.

ENDNOTES

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²⁴ Chemical Safety Improvement Act, S. 1009, 113th Cong. § 3(16).

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ATTACHMENT A

June 12, 2013

The Honorable Barbara Boxer
Chairman
Committee on Environment & Public Works
410 Dirksen Senate Office Building
Washington, DC 20510

The Honorable David Vitter
Ranking Member
Committee on Environment & Public Works
456 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Boxer and Ranking Member Vitter:

The undersigned are thirty-four law professors, legal scholars, and public interest lawyers from across the country who have years of collective experience in the fields of administrative, public health, and environmental law, with a particular focus on state and federal toxics policy. We write to express serious reservations with the “Chemical Safety Improvement Act,” which was introduced by Sen. David Vitter and the late Sen. Frank Lautenberg on May 22, 2013. Supporters have heralded the bill as a “historic step” toward reforming our broken framework for regulating chemicals on the market. However, for reasons explained herein, we cannot support the bill as written, which must be strengthened to fix current law and ensure that chemicals are safe for people, particularly vulnerable populations such as children.

In our expert opinion, the bill:

- Essentially preserves the same inadequate safety standard used in current law, which has been read by at least one court to require the U.S. Environmental Protection Agency (EPA) to engage in an onerous balancing of costs and benefits to justify restrictions on toxic chemicals;
- Retains the same obstructive standard of judicial review that appears in current law, which requires judges to demand substantial evidence from EPA to justify any safety determination or restriction of a chemical that poses risks to public health and the environment;
- Contains sweeping preemption language that would prevent states from enforcing existing, and adopting new, laws designed to supplement federal law in protecting people and the environment from exposures to harmful substances; and
- Takes the extraordinary step of making any safety determination by EPA dispositive on the question of whether a chemical is safe in federal and state courts. This would effectively bar judges and juries from taking into account other relevant evidence regarding the safety of a chemical, particularly new evidence developed after the determination is made.

Here are our four major concerns presented in detail:

Safety Standard. The bill defines “safety standard” as one that “ensures that no *unreasonable risk* of harm to human health or the environment will result from exposure to a chemical substance.” Chemical Safety Improvement Act, S. 1009, 113th Cong. § 3(16) (emphasis added). This definition fundamentally reproduces the same safety standard found in current law.

See Toxic Substances Control Act § 6(a), 15 U.S.C. § 2605(a). Unlike strictly health-based standards (e.g., “reasonable certainty of no harm”), laws that use “unreasonable risk” language have been interpreted to require EPA to complete a complex balancing of costs and benefits before the agency can impose a restriction on a chemical to address safety concerns. E.g., John S. Applegate, *Synthesizing TSCA and REACH: Practical Principles for Chemical Regulation Reform*, 35 Ecology L.Q. 721 (2008); see also Noah M. Sachs, *Jumping the Pond: Transnational Law and the Future of Chemical Regulation*, 62 Vand. L. Rev. 1817 (2009). Therefore, even without language in the safety standard directing EPA to restrict a chemical using the “least burdensome requirements,” Toxic Substances Control Act § 6(a), 15 U.S.C. § 2605(a), by retaining the “unreasonable risk” language, the Chemical Safety Improvement Act might be read to place a heavy burden on EPA to impose even modest restrictions on a chemical. As a result, we believe that the same outcome in *Corrosion Proof Fittings v. EPA*, 947 F.2d 1201 (5th Cir. 1991) (striking down EPA asbestos ban and phaseout rule) could be possible under the safety standard proposed in this bill, particularly with the heightened judicial review discussed in the next paragraph.

Judicial Review. Courts typically use a reasoned decisionmaking standard to review agency actions, meaning they will not strike down a regulation unless an agency has acted in an arbitrary or capricious manner. E.g., *Allied Local & Regional Reg'l Mfrs. Caucus v. EPA*, 215 F.3d 61, 77 (D.C. Cir. 2000) (EPA consideration of factors listed in statute “adequate to constitute reasoned decisionmaking”); see also Administrative Procedure Act, 5 U.S.C. § 706. In contrast, the Chemical Safety Improvement Act, like the Toxic Substances Control Act, would require courts to apply a heightened standard of judicial review when evaluating rules made pursuant to the bill. Specifically, courts would have to set aside rules requiring the development of more test data, safety determinations, and restrictions on chemicals unlikely to meet the safety standard if, in their opinion, EPA has not supported them with “substantial evidence.” Chemical Safety Improvement Act, S. 1009, 113th Cong. § 16(2). In practice, this standard can be read to “impose[] a considerable burden” on EPA to develop a record that can withstand a hard look from courts, particularly when all of the other procedural hurdles in the bill are factored in. *Corrosion Proof Fittings v. EPA*, 947 F.2d 1201, 1214 (5th Cir. 1991), quoting *Mobile Oil Co. v. Fed. Power Comm'n*, 483 F.2d 1238, 1258 (D.C. Cir. 1973).

Preemption. The Chemical Safety Improvement Act would appear to largely preempt state regulations designed to protect public health and the environment from exposure to harmful chemicals. It would preempt existing and future state regulations that: require the development of test data or information on chemicals for which companies have to submit similar information to EPA; restrict the manufacture, processing, distribution, or use of a chemical after EPA has issued a safety determination for that chemical; or require notification for the use of a chemical substance if EPA has determined that it is a significant new use that must be reported to the agency. Chemical Safety Improvement Act, S. 1009, 113th Cong. § 15(a). The bill also would prohibit states from creating new restrictions on the manufacture, processing, distribution, or use of a chemical that EPA has classified as high- or low-priority. *Id.* § 15(b). This preemption provision is sweeping in nature and raises serious questions as to whether states could even enact or continue to enforce laws that simply require companies to disclose information about chemicals to consumers or require that products carry warning labels. Numerous states have passed laws in recent years in the absence of federal regulatory action to protect the public from

toxic chemicals. *E.g.*, Safer Chemicals Healthy Families, *Healthy States: Protecting Families from Toxic Chemicals While Congress Lags Behind* (2010), <http://www.saferstates.com/attachments/HealthyStates.pdf>. If this bill were to become law, it would perpetuate many of the Toxic Substances Control Act's shortcomings while preventing states from protecting public health and the environment in the absence of a robust federal law — or in the case of a strong federal regulatory framework, from complementing EPA's efforts to achieve this important goal.

Private Remedies. The bill takes the extraordinary step of making a safety determination by EPA admissible in any federal or state court and dispositive as to whether a chemical substance is safe. Chemical Safety Improvement Act, S. 1009, 113th Cong. § 15(e). As a result, the bill's section on private remedies could significantly encroach on the right of judges and juries to evaluate and weigh relevant evidence regarding the potential injuries caused by toxic chemicals. In turn, this could have the effect of granting chemical companies immunity from legal actions by private parties once EPA has issued a positive safety standard determination, even when subsequent evidence calls into question the agency's reasoning.

In view of these issues, and others identified by public health and environmental groups, we believe the Chemical Safety Improvement Act preserves some of the most problematic features of the Toxic Substances Control Act, while making it harder for state and private actors to ensure the safety of chemicals in the absence of a strong federal backstop for regulating these substances. As a result, the bill, as currently drafted, takes a step backward in the protection of public health. We respectfully ask that the bill be made stronger to achieve meaningful reform of current toxics law and are available to provide substantive recommendations as needed.

Sincerely,

Note: Institutions listed for identification purposes only. The signators do not purport to represent the views of their institutions.

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Testimony of Nancy Buermeyer
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Strengthening Public Health:
Protecting Against Toxic Chemicals

Environment and Public Works Committee

July 31, 2013

Good Morning. I would like to thank Chairwoman Boxer, Ranking Member Vitter and the members of the Committee for this opportunity to testify at today's important hearing.

The Breast Cancer Fund is the only national organization focused solely on preventing breast cancer. We do that by eliminating our exposures to toxic chemicals and radiation linked to the disease. Reform of the outdated and ineffective Toxic Substances Control Act (TSCA) has long been a priority of our organization. For the last four years, the Breast Cancer Fund has served on the Steering Committee of Safer Chemicals, Healthy Families, a coalition of over 450 organizations working to reform TSCA, including health professionals, health affected groups, environmental justice organizations, environmental groups and businesses.

We have all been touched by breast cancer, either personally or through a family member or friend. Despite all of our advances in detection and treatment, we have not been able to stem the tide – the tidal wave – of women, and men, diagnosed with this devastating disease. In fact, we are losing ground: today 1 in 8 women in the United States will be diagnosed with breast cancer in her lifetime. This represents a 40 percent increase over the risk women faced in 1973. Globally, breast cancer affects more women than any other type of cancer. In 2013 about 232,340 women and 2240 men in the United States will be diagnosed with breast cancer. 40,000 women die each year.ⁱ We know that most people with breast cancer have no family history and only 5 to 10 percent can be traced back to inherited genetic factors including the “breast cancer genes,” or BRCA1 and BRCA2. While they account for a relatively small percentage of cases, the risk for those with these genes has also increased dramatically over the past decades. Today, women with one of the BRCA genes have a staggering 87 percent chance of being diagnosed with breast cancer; a number that is triple the risk faced by women born before 1940. Genes do not change that quickly, but environmental factors do.

I am here today on behalf of the three million women and men living with breast cancer todayⁱⁱ, the millions we have lost, and the millions who have yet to be diagnosed in the hope that the actions taken by the Committee and the Congress can reduce those numbers in the future. We look to this Committee and the Senate as a whole to show the leadership and courage to pass meaningful, strong and effective reform of the Toxic Substances Control Act (TSCA). We are heartened that this conversation has shifted from “is reform necessary?” to “what should reform look like?” This is a significant step forward. Now we all must focus on creating legislation that truly protects public health and especially the most vulnerable among us.

Most Americans assume that the industrial chemicals used in the United States have been tested for safety. Sadly, this is not the case. In our daily lives we are exposed to hundreds, perhaps even thousands, of chemicals from a wide range of sources, including cleaning and personal care products, plastics, children's toys, furniture, food, air, water, our workplaces and our neighborhoods. A strong and rapidly growing body of evidence is showing that some of those chemicals are toxic and can increase our risk for breast cancer and a number of other diseases and conditions, from asthma and learning disabilities to prostate cancer and infertility. The Toxic Substances Control Act (TSCA) has utterly failed to protect the American public from these toxic chemicals, which are contributing to a worsening public health crisis of chronic diseases.

In talking about the intricacies of federal chemical policy, we sometimes lose track of the real-life impacts of these chemicals. The child with a learning disability. The young couple struggling to conceive a child. The women – and men – who have faced the life-changing impact of a breast cancer diagnosis. I want to bring those people and those voices into the room and our discussion

today – the faces of your mothers and fathers and daughters and sons – and remind us that what we do, or don't do, to ensure that new and existing chemicals used in commerce are safe will have a direct impact on them and on future generations.

The Science

Researchers have long known that genetic and environmental factors individually contribute and interact with each other to increase breast cancer risk. Studies show that breast cancer rates can vary with environmental circumstances. The good news is that environmental factors, including chemical exposures, are more readily modified than genetic factorsⁱⁱⁱ and therefore present a tremendous opportunity to reduce the risk of and prevent breast cancer, if we have the wisdom and political courage to reduce our exposures.

Chemicals can impact and interfere with our bodies in a number of ways. Some chemicals, called mutagens, actually change the DNA of our cells. Some do not change the DNA, but rather interfere with how the genes are expressed through a process called epigenetics. Both of these alterations can be passed down to the next generation, increasing our children's risk of adverse health impacts. Chemicals can also act as carcinogens through effects on the cell cycle and other mechanisms. Two of the leading authoritative lists of carcinogens come from the World Health Organization's International Agency on Research for Cancer, or IARC, and the U.S. National Toxicology Program, or NTP, an interagency program housed at the National Institute of Environmental Health Sciences (NIEHS). Both programs maintain and update lists of chemicals identified as carcinogens, many of which remain in commerce, and often in consumer products as well as our air, water, soil, etc.

Another class of chemicals causing increased concern for breast cancer and numerous other diseases are called endocrine-disrupting compounds or EDCs. These substances behave like our body's natural hormones and can interfere with the very sensitive and critical endocrine system that controls our development and homeostasis. This interference can happen in a number of ways, including mimicking the body's own hormones or blocking their actions. EDCs, especially chemicals that mimic estrogen, are particularly concerning for breast cancer, because increased lifetime exposure to estrogen is a known risk factor. EDCs can also interfere with the thyroid system, which regulates metabolism and reproductive health. EDCs can also impact men by increasing the risk of diseases and conditions such as prostate cancer and male genital deformities. While more needs to be known about EDCs, without strong testing requirements in TSCA we will continue to be exposed to these chemicals without regard for their impacts.

The Breast Cancer Fund bases all of our work in a strong foundation of science. We review the peer-reviewed scientific literature related to breast cancer and the environment and compile the information in an accessible way. Over the past 12 years, we have issued 6 editions of our report entitled *State of the Evidence: The Connection Between Breast Cancer and the Environment*. With the ever evolving nature of the science, we now provide the most updated information on our website's "Clear Science" section (www.breastcancerfund.org). The existing and emerging science points to a number of themes:

Low doses matter: For many years it was believed that the risk from harmful chemicals was directly proportional to the amount of exposure – that the dose made the poison. But scientific

evidence now shows that some chemicals, especially those that disrupt our endocrine system, can exert negative effects at extremely low exposure levels – sometimes with more serious or different effects than at higher doses. It is essential that low-doses exposure be taken into account when testing chemicals for health effects and when regulating chemical exposures. Some chemicals — can have a more profound impact at lower exposure levels.

Chemical mixtures matter: We are exposed to a bewildering variety of chemicals every day, and we may be exposed to a single chemical from a variety of different pathways. And while we lack adequate information about the health effects of exposures to individual chemicals, we know even less about how chemicals act together to increase risk for diseases, including breast cancer. Evaluating the total exposure to single chemicals and the mix of chemicals people are exposed to every day would provide a missing piece of the puzzle in understanding environmental links to breast cancer.

Your occupation and where you live matters: While all of us are exposed to chemicals all around us, those on the front line, either as workers or living in communities next to chemical plants or other sources of chemical exposures, are even more at risk for increased risk of breast cancer or other diseases.

Workers often suffer the highest exposures to chemicals and are the “canary in the coal mine” for the dangers of exposures to the broader population. As just one example, a recent Canadian study discovered that the women who work in automotive plastics and food-canning have a staggering fivefold increase in pre-menopausal breast cancer as compared to similarly situated women in other occupations.^{iv} These workers are exposed to endocrine-disrupting compounds in plastics, such as phthalates and bisphenol A, or toxic flame retardants called polybrominated diphenyl ethers (PBDEs), which are commonly used in the interiors of cars.

Fenceline communities, those living next to chemical plants, incinerators, Superfund sites or other sources of chemical exposures, are another vulnerable population that should be considered and protected when evaluating the safety of chemicals. While white women have the highest overall breast cancer rates, a greater proportion of African American women are diagnosed with breast cancer before age 45,^{v,vi} and they are more likely to die from the disease than any other racial or ethnic group.^{vii} For breast cancer specifically, we know that the levels of chemicals related to breast cancer in people’s bodies can vary by race, ethnicity and socioeconomic status. As a group, African Americans have higher levels than whites or Mexican Americans of many chemicals, including PCBs, mercury, lead, PAHs, dioxin and phthalates.^{viii,ix} Mexican Americans as a group have higher levels of the pesticides DDT/DDE and 2,3,5,TCP.^x African Americans, as well as people with less formal education and people with lower socioeconomic status, are more likely to live within a mile of a polluting facility, such as a chemical plant.^{xi}

Timing of exposure matters. The timing of exposure is a particularly important aspect of chemical exposures. The stage of life at which you are exposed to a chemical matters – a lot. Developing bodies are more sensitive to some chemical exposures, and the body’s ability to protect itself is not fully mature. A level of exposure that might not seriously impact adults could have disastrous effects on long-term health when the exposure is in utero. Particularly sensitive stages of life, referred to as windows of susceptibility, include prenatal development, early childhood, puberty, pregnancy and lactation.

Developmental stages, times of rapid growth and differentiation are delicately orchestrated by the body’s chemical messaging system, the endocrine system. These windows of susceptibility

provide an opportunity for chemicals to exert greater harm – harm that is sometimes not fully realized until years or decades later and can have profound impacts on later-life risk of breast cancer and many other diseases. More and more science shows that prenatal and early life exposures are the most concerning for a vast array of health outcomes from various cancers to diabetes.

For breast cancer the situation is even more complex than just looking at very early exposures. Unlike most organs of the body, breasts are not fully developed until adulthood, specifically a woman's first full-term pregnancy. In utero development, infancy, puberty, pregnancy and lactation are all stages during which breast tissue is developing and differentiating. Each of these stages provides an opportunity for chemicals to interfere with and disrupt these extremely sensitive processes. One of the disturbing trends in childhood development is the falling age of puberty. While the average age of first menarche has fallen by a few months relative to 40 years ago, most significantly girls' breasts are developing one to two years earlier. Evidence points to environmental chemicals, particularly endocrine disrupting compounds, as one of the culprits in this trend.^{xii} Early puberty is one of the risk factors for later life breast cancer. The impact of that disruption early in life can stay with a child through adulthood, sometimes manifesting decades later. The scientific understanding of these processes is evolving quickly, but more research and data are needed, particularly on chemical impacts that might be shaping this pattern.

We urgently need to accelerate progress toward understanding the role of these environmental chemicals. In the face of scientific uncertainty, however, we cannot wait to act. We must prioritize protecting public health and investing in safer alternatives, while intensifying the study of how chemicals impact our health. That can only be accomplished with the full force of a strong chemical management system and an EPA empowered and funded to do the job.

The Failings of the 1976 TSCA

Numbers effectively tell the story of our failed chemical policy: Of the over 84,000 chemicals on the TSCA inventory, 62,000 were grandfathered in when the law passed in 1976, meaning chemical companies could keep selling them without safety testing. And in the 35 years since TSCA became law, the Environmental Protection Agency (EPA) has been able to require testing for only a few hundred of the grandfathered chemicals. Perhaps most striking, only five chemicals overall have been restricted. In fact, TSCA makes it so difficult to regulate a chemical that the EPA has not even been able to ban asbestos, a well-established human carcinogen.

The TSCA framework and requirements tie the EPA's hands in a number of ways, resulting in a regulatory system that fails to protect the public's health. Among those issues are:

Lack of Safety Data – To make sound decisions about the safety of a chemical, EPA needs adequate information on a range of possible health impacts. Unfortunately, TSCA makes it extremely hard for EPA to get that necessary safety data by placing the burden on the EPA to show they need the information rather than on the industry to show their chemical is safe.

For existing chemicals, EPA is in a Catch 22 of having to show that a chemical poses an unreasonable risk of injury to health or the environment before the agency can require testing to find out if the chemical actually poses such a risk. Even once the agency has gone through the costly and time-consuming process of obtaining the necessary data showing the risk, they must go through a lengthy rule-making process to get the additional data from the manufacturer.

For new chemicals, EPA has 90 days to review the chemical before it goes into production, but it cannot compel manufacturers to submit any safety data and very few companies do so voluntarily. This leaves EPA reliant on sometimes incomplete or imperfect models to predict the toxicity of a chemical based on similarities to other chemicals that have been tested for safety. And if the EPA fails to act, the chemical goes onto the market at the end of the review period.

Confidential Business Information – Much of the limited data that the EPA receives is designated by the chemical companies as confidential business information, or CBI. A CBI designation prohibits the EPA from sharing the information with the public, or even with state and local health and environmental agencies. The public has a right to know what chemicals they are being exposed to and states often want this information to assist them with emergency planning and alerting emergency response personnel about potential threats from toxic chemicals in local manufacturing facilities. Ironically, while available safety data cannot be designated as CBI, the identity of the chemical associated with that safety data can be withheld. EPA estimates that in about 95 percent of new chemical notices, manufacturers claim some portion of that submission as CBI. While EPA has recently stepped up its efforts to require manufacturers to better justify their claims, the agency lacks the authority and sufficient resources to adequately protect the public's right to know.

Threshold for Regulation – Even once the EPA has obtained the requested safety data, the bar set by TSCA to implement actual regulations to reduce risk is impossibly high. Not only must the agency show that the chemical exposure presents “an unreasonable risk of injury to health or the environment,” but it must also demonstrate that the proposed restriction is the “least burdensome requirement” available. In proposing a restriction on a chemical, the EPA must also consider factors beyond the health impacts, including a cost/benefit analysis of the regulation. We need look no further than the agency's inability to ban asbestos, a known carcinogen with an entire disease named after it, to understand how impossibly high the bar is for EPA to act to protect public health.

The overall effect of this system is to place the burden of proving that a chemical is harmful on the EPA, instead of having chemical manufacturers bear the burden of proving safety.

Fixing Our Broken System

There is broad consensus that TSCA must be reformed. The EPA, state public health officers, health care professionals, scientists and health affected groups are all calling for swift Congressional action on this critical issue. Recent federal reports have also called for TSCA reform. The 2010 President's Cancer Panel report *Reducing Environmental Cancer Risk, What We Can Do Now*, the 2011 CDC's National Conversation on Public Health and Chemical Exposures, and the 2013 Interagency Breast Cancer and Environmental Research Coordinating Committee (IBCERCC) report *Breast Cancer and the Environment: Prioritizing Prevention* both called for TSCA to be strengthened to give the EPA the information and tools needed to protect the health of American families. The IBCERCC report cites the 2009 GAO report,^{xiii} which found that although TSCA authorizes the EPA to ban, limit or regulate chemicals, the threshold to take action requires meeting a prohibitively high level of risk after conducting a lengthy and expensive cost-benefit analysis. Based on deficiencies identified in the report, the GAO added TSCA reform to its high-risk list (See 8.23 IBCERCC report).

The Breast Cancer Fund's president and CEO, Jeanne Rizzo, recently had the honor of serving as one of the co-chairs of the committee that wrote the groundbreaking [*Breast Cancer and the Environment: Prioritizing Prevention*](#) report. IBCERCC was housed at the National Institutes for Health, specifically the National Institute of Environmental Health Sciences and the National Cancer Institute, and was comprised of federal agency staff, medical and scientific experts, and breast cancer advocates. The report includes the largest to-date survey of peer-reviewed science on breast cancer and the environment, and finds that environmental factors like toxic chemical exposure increase breast cancer risk. In addition, the report identifies the gaps in research and policies, concluding that "prevention is the key to reducing the burden of breast cancer," and calling for a national, comprehensive, cross-governmental breast cancer prevention strategy. A key recommendation of the report is the urgent need to update and reform TSCA:

"Improving the TSCA is a priority for collecting the data needed to generate and test hypotheses regarding the effects of a wider range of chemicals on breast cancer risk and, ultimately, for preventing environmentally caused disease." p. 6-35

Any effort to mitigate the environmental causes of breast cancer, or other diseases linked to exposure to environmental chemicals, must include a plan to reform TSCA.

The Chemical Safety Improvement Act Falls Short

The introduction of S. 1009, the Chemical Safety Improvement Act (CSIA) has changed the conversation in Washington, DC. No longer are we talking about if we should reform the broken chemicals management system set up by the 37-year-old Toxic Substances Control Act (TSCA). Now we are engaged in a conversation about what that reform must look like to be meaningful and truly safeguard the American public, and particularly vulnerable populations, from exposures to dangerous chemicals.

Protecting public health and the environment should be the primary and overriding goal of TSCA reform. Unfortunately, the Chemical Safety Improvement Act falls short of that goal. As written, this legislation could set back the few current protections in place, particularly at the state level, without ensuring that the EPA has the necessary authority, tools and resources to provide real federal protection. While the Breast Cancer Fund opposes the bill as it is currently written, we stand ready to work with Congress and all stakeholders to address the bill's significant flaws and craft meaningful and effective chemical policy reform.

To be true reform and to accomplish the goal of protecting America's families and workers, any effective chemicals management system must include the following elements and unfortunately the CSIA as currently written fails to meet these basic requirements.

A safety standard that is health-protective, particularly of vulnerable populations.

The safety standard must explicitly protect vulnerable populations. Pregnant women, children, workers and communities living in areas of high chemical exposures all need and deserve our protection and by protecting them, we will protect all of us and future generations.

The CSIA does not explicitly require a consideration of the health impacts of chemical exposure to our most vulnerable populations including pregnant mothers, children, workers or disproportionately exposed communities. The legislation also maintains the current TSCA safety standard which has failed to protect public health. This continued use of TSCA's flawed

“unreasonable risk of harm to health or the environment” safety standard raises a number of unsettling questions: Who decides if a chemical presents an “unreasonable risk?” And who bears the burden of proof for meeting that standard – the EPA (and therefore the public) or industry? One of the major failures of the current TSCA is that the burden falls on the EPA to prove chemicals are not safe rather than on industry to demonstrate their chemicals are safe. Any meaningful reform of TSCA must clearly shift the burden of proof to industry to demonstrate the safety of the chemicals they manufacture and market.

Finally, we are not exposed to one chemical at a time, or even just one source of a particular chemical. It is essential for the EPA to consider aggregate exposures when determining safe levels of a chemical. CSIA allows for such consideration but does not require it.

Use of the best science available. TSCA reform should ensure the use of the best available science by incorporating recommendations from the National Academy of Sciences reports on reforming the EPA’s risk assessment process. Legislation must also protect the integrity of scientific review from undue industry influence and incorporate science from all sources, including government agencies and academia.

For years, the chemical industry has been waging a well-funded campaign against government and academic science showing adverse health effects and increased health risks associated with specific chemicals. The language in the CSIA reflects those chemical industry efforts to undermine and devalue government and independent science while protecting industry-funded science. To ensure the highest quality and best available science, the CSIA should require scientific procedures and guidelines developed in the bill follow the recommendations of the National Academy of Sciences for 21st century toxicology.

Require data on all chemicals. The EPA should require chemical manufacturers to demonstrate via scientific data that their chemical is safe. The absence of data should not default to assuming the chemical is safe.

The CSIA sets up a two-tiered system for EPA review of the safety of industrial chemicals. Chemicals designated as high priority must be scheduled for a safety assessment and safety determination. Low priority chemicals are those that the EPA determines as “likely to meet the safety standard,” and once so designated, are set aside with no further action unless the EPA is explicitly requested to reevaluate the low priority designation of a specific chemical. Under CSIA, there is no upfront requirement for manufacturers to develop or submit scientific data showing a chemical is likely to meet the safety standard of not presenting an “unreasonable risk of harm to health or the environment.” In fact, the burden falls to the EPA to find information that is “reasonably available to the Administrator” including requiring the EPA to actively search for publicly available data. The EPA can request or require more data, by consent agreement or order, but this adds an additional level of administrative burden, a burden that should be industry’s from the beginning. The bill should make clear that no chemical should be designated as low priority without sufficient data to affirmatively show it is safe.

Action on the worst chemicals. For some chemicals we have enough scientific evidence showing harm to act now to reduce exposures. TSCA reform must allow the EPA to take fast action on the worst chemicals, including persistent, bioaccumulative toxins (PBTs): toxic chemicals that are persistent in the environment and bioaccumulate in organisms, including humans.

Instead of allowing for fast action on the worst chemicals, CSIA retains TSCA's impossibly high regulatory burden when the EPA identifies the need to ban or phase out a toxic chemical. Since these actions would be reserved for the most dangerous chemicals, this provision would have the exact opposite effect of what is needed – creating regulatory barriers that will slow down or halt altogether needed restrictions rather than expediting action on the worst chemicals.

Include sufficient deadlines and timetables. Enforceable deadlines are essential, particularly given the history of the chemical industry's ability under current TSCA process to delay evaluation and regulation of chemicals for years and sometimes decades. CSIA provides virtually no deadlines or timelines for completing critical tasks such as safety assessments and safety determinations. While there are a few deadlines for creating procedural guidelines, language like “promptly,” “every effort to complete...in a timely manner,” “from time to time,” “expeditiously completing,” “reasonable extensions,” “reasonable period,” and “as soon as possible” take the place of specified timetables and deadlines. In our criminal justice system there is an expression that “justice delayed is justice denied.” In this case, chemical regulation delayed allows for dangerous exposures that threaten public health.

Protecting the public's right to know about the health hazards of specific chemicals. Reform should require that the public have access to information regarding the safety of chemicals, including the identity of hazardous chemicals. State and local agencies also need chemical identity and safety data to allow them to do their job of protecting citizens from hazardous exposures.

The CSIA does not go far enough to ensure the public has adequate access to information on the safety of industrial chemicals that end up in their environment, workplaces, communities and consumer products. The bill would allow the EPA to share CBI with state and local authorities and medical personnel with certain conditions, which is a step forward. However, the process for sharing the information in most cases calls for alerting the submitter of the CBI claim before releasing the data and provides the opportunity for judicial review, allowing the submitter to sue to keep the information confidential. These judicial reviews could prevent the sharing of the information or at the very least cause significant delays.

Currently, the EPA has little authority and even fewer resources to challenge CBI designations, so the vast majority of claims are simply accepted without serious review of their legitimacy. Chemical identity, particularly of a hazardous substance, is critically important for manufacturers to make safer choices for their products, for workers to protect themselves and their families from unsafe exposures, for retailers crafting policies to protect their customers, for scientists to conduct effective research and ultimately for consumers wanting to make informed purchases to protect their families. Given the historic and ongoing abuse of CBI, it is particularly troubling that the CSIA leaves all current CBI claims in place, grandfathering them in with no requirement or incentive for the EPA to review or substantiate the need for that information to be held as confidential.

Allow the states to continue to protect their citizens. Finally, TSCA reform must respect the right of states to protect their residents if the federal government fails to do so or is slow to act. With the EPA's hands tied by the complete failure of TSCA, citizen demand has driven states from around the country to step up to provide protection from harmful chemical exposures through legislation on a variety of chemicals and uses. These laws not only protect citizens within the state borders, but have also had a positive impact on manufacturing practices and products throughout the country. States must continue to have that ability.

CSIA does not adequately protect the right of states to safeguard their citizens from harmful exposures when the federal government can't or won't take action. The CSIA could roll back the current state protections in place and would stifle future state protections. State laws that are in place when the CSIA is enacted would be pre-empted once the EPA has completed a safety determination of the particular chemical in question. However, completion of the safety determination is not the same as having federal safety protections in place. The process and timeframe between issuing a safety determination and issuing of a final rule to implement needed restrictions can be a very long one, including the protracted process of rulemaking and the possibility of lawsuits that could delay implementation indefinitely.

Under CSIA, states would be barred from passing future laws once a chemical is designated as low priority or designated as high priority and scheduled for a safety assessment and determination. Given the lack of deadlines in the bill, once scheduled a chemical could sit for any number of years before action is taken, during which time the state's hands are tied and the public unprotected. Once a chemical is designated as low priority, which is designed to be basically an educated guess by the EPA as to whether or not a chemical will meet the safety standard, the states are also prohibited from taking any action on that chemical.

Conclusion

Chemicals policy reform is a public health necessity. For too long industry has argued against updating TSCA by saying that more protective chemical policy is bad for the economy and will cost jobs. The choice between jobs and safe chemicals is a false dichotomy. Chemical policy reform that encourages green chemistry can stimulate innovation and economic growth – and we have the best and the brightest in this country ready to meet that challenge. And consider the cost to the economy of doing nothing. The financial drag of chronic disease on the economy is staggering, both in terms of health care costs and lost productivity. Taking action to reduce that burden will help not hurt the economy.

For the reasons outlined in this testimony, it is urgent and essential that we create a chemicals management system that protects all of us...at all stages of our lives. Congress has a moral imperative to pass legislation strengthening the way chemicals are regulated to provide the public real protection from dangerous chemicals. TSCA does not meet that goal. CSIA in its current form does not meet that goal. But creating workable and health protective legislation is doable. While we understand that compromise is always part of the legislative process, we must not compromise public health. There are core values that must be addressed before any legislation can truly be called chemicals policy reform. The opportunity is before us to work together with all stakeholders in a bipartisan way to address the outstanding issues and concerns. We owe it to the women and men facing breast cancer and all of the individuals dealing with diseases linked to chemical exposures to rise to this opportunity.

I would like to leave you with this quote from Florence Williams' critically acclaimed book *Breasts: A Natural and Unnatural History*:

Breasts are bellwethers for the changing health of people. If we're becoming more infertile, producing increasingly contaminated breast milk, reaching puberty earlier and menopause later, how can we fulfill our potential as a species? ... Breasts carry the

burden of the mistakes we have made in our stewardship of the planet, and they alert us to them if we know how to look.”^{xiv}

We look forward to working with the Committee members to create a bill that meets the challenges outlined here and protects all of our citizens. The Breast Cancer Fund stands ready to help meet the challenges of crafting meaningful TSCA reform and I thank you again for the opportunity to testify. I look forward to answering questions from the Committee.

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**TESTIMONY OF SUSAN VICKERS, RSM – DIGNITY HEALTH
VICE PRESIDENT OF COMMUNITY HEALTH**

BEFORE THE

**UNITED STATES SENATE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS**

HEARING ON

“Strengthening Public Health Protections by Addressing Toxic Chemical Threats”

July 31, 2013

Chairwoman Boxer, Ranking Member Vitter, Members of the Committee, good afternoon, and thank you for the opportunity to testify before you today. I’m Susan Vickers, a Sister of Mercy and the Vice President of Community Health for Dignity Health.

Dignity Health employs more than 60,000 caregivers and staff in California, Nevada, and Arizona at 150 ancillary care sites and 39 acute care hospitals. We’re the 5th largest hospital provider in the nation and the largest private, not-for-profit hospital system in California. Our mission is to deliver compassionate, high quality affordable care in the communities we serve, with particular focus on the needs of the poor, vulnerable, and disenfranchised. Dignity Health is committed to *preventing* the diseases that are disabling patients and driving up the costs of care for families across the nation.

FRAMING THE ISSUE

Right now, individuals, families, and communities are struggling with diseases and disorders that can be directly linked to industrial chemicals found in consumer products, the workplace and schools, the environment, our food and water. In our hospitals, we see firsthand the impacts of these chemicals on people’s lives.

- Leukemia and other childhood cancers have increased by more than 20 percent since 1975.ⁱ We treat these children and help their families through this horrific experience.
- Infertility rates continue to rise, affecting 40 percent more women in 2002 than in 1982.^{ii,iii} We care for these women and come to know their struggles.
- Asthma approximately doubled in prevalence between 1980 and 1995 and has continued to rise, with nearly 1 in 12 Americans suffering from the condition as of 2009.^{iv,v} We are constantly mindful of the health and safety of our workers, knowing that health care workers are a group of people who suffer disproportionately from asthma.^{vi}

While it is true that a person's overall health and the onset of most diseases result from the combination of several factors, certainly the chemicals we are exposed to—starting from the time we are in the womb—is an important one.

Although mounting evidence links chemical exposures to negative health outcomes, the federal Toxic Substances Control Act, which was created to protect the public from hazardous chemicals, has proven woefully inadequate. The lack of pre-market testing of chemicals and insufficient federal authority to regulate problematic chemicals means the health care sector must assess—on its own—the merits of claims that chemicals may cause harm.

DIGNITY HEALTH'S COMMITMENT

The health care sector is in the unique position of both serving the needs of those who suffer the impacts of inadequately regulated chemicals and also being a major downstream user of chemicals. Dignity Health has worked hard to determine the extent to which toxic chemicals can be found in the supplies we use and processes we implement in the delivery of care and also to help create a market for safer alternatives.

We created purchasing guidelines to assess the chemical content of the products we purchase and to reduce the toxicity of these products. We request, although at times with little success, product chemistry data from suppliers and prioritize chemicals of high concern, like PBTs (persistent, bioaccumulative toxics), for elimination. We create contractual obligations with manufacturers, suppliers, and distributors to avoid identified products that contain chemicals of concern. Dignity Health has eliminated virtually all mercury from our hospitals and has created a competitive marketplace for PVC/DEHP (polyvinyl chloride/diethylhexyl phthalate) free IV bags by urging the development of a safer alternative product and moving millions of dollars from one vendor to another who met our needs and could provide these products.

We develop goals and metrics to measure our progress and evaluate our results, and share our successes and lessons learned with others. At Dignity Health, we are also concerned with the impact of chemicals in products on the health and safety of our staff and visitors. We are identifying where chemicals of concern are used in our facilities and evaluating hazards in our hospitals that can lead to occupational and environmental problems.

But there is only so much an individual organization can do. And it is certainly beyond the capacity of individuals in the communities we serve to evaluate and ensure the safety of chemicals in products in their homes, schools, and workplaces.

The moral and operational imperatives are here, now, for stronger chemical regulation.

OUR POLICY POSITION

Dignity Health has adopted the following four guiding principles for chemicals policy:^{vii}

1) Know and disclose product chemistry; 2) Assess and avoid hazards; 3) Commit to continuous improvement; and 4) Support public policies and industry standards that advance the implementation of the above three principles.

These principles help to guide our efforts, including advocacy for the modernization of the Toxic Substance Control Act (TSCA).

As health care providers in the midst of health care reform, modernization of TSCA will help to achieve the Triple Aim of bending the health care cost curve, elevating the quality of care, and improving population health (which in our mind, includes community and environmental health).

A modernized TSCA, however, must achieve the strongest protections for public health and the environment. The most recently introduced legislation that would overhaul TSCA—S. 1009, the Chemical Safety Improvement Act (CSIA)—falls well short of strengthening public health protections and addressing toxic chemical threats. CSIA has generated much-needed debate and bipartisan dialogue about the need to fix our current system, which we very much welcome. However, we believe CSIA must be significantly amended to strengthen rather than weaken TSCA. I would like to briefly address three of the significant shortcomings in the legislation by way of policy recommendations that should be part of any final TSCA-reform legislation.

- **First, vulnerable populations should be adequately defined and explicitly protected.**

Vulnerable populations, including developing babies and infants, pregnant women, and people who live in communities with significant existing chemical and non-chemical environmental exposures, must be protected. Evidence clearly shows that these groups are not only disproportionately exposed to chemicals but they are also more biologically susceptible to the impacts of toxic chemicals, and those impacts can be long-lasting and costly. Under the CSIA, the term “vulnerable populations” is not defined. The bill also does not explicitly require protection of these groups when making a safety determination for a chemical.

- **Second, all chemicals should be assessed based on adequate information to determine the extent to which they pose risks to human health or the environment.**

A thorough review of all chemicals for safety is necessary to assure that the chemicals used in commerce will be safe. Under the CSIA, there is no minimum set of screening criteria in order to decide whether a chemical is of high or low priority. As written, the bill allows a chemical to be deemed of low priority based only on available data, which unfortunately are inadequate for most chemicals. Once a chemical is designated a low priority, the U.S. Environmental Protection Agency (EPA) would not be able to require additional safety data, and States would be prohibited from taking action on that chemical.

- **Third, there must be a clear and direct path to get dangerous chemicals out of the marketplace.**

One of the flaws of TSCA is that the standard for action is so high that few chemicals have been phased out of commerce, despite clear evidence of harm or the potential for harm from certain chemical exposures. The CSIA requires an extra level of analysis and red tape before EPA would have the authority to phase out the production and use of a chemical, even after a chemical fails a safety determination. The agency will only want to pursue this option for the very worst chemicals, yet these cumbersome provisions could have the perverse impact of slowing down action on those chemicals most in need of regulation.

Dignity Health urges the Committee to work together to strengthen what is currently the most viable vehicle for TSCA reform—the Chemical Safety Improvement Act—so that it provides the strongest protections to human health and the environment.

Thank you again for the invitation to provide testimony today and for the leadership of this committee. Dignity Health will work with you to advance comprehensive chemical policy that not only protects all in America but also keeps central the humankindness^{viii} we share with one another, as well as for the vitality of our nation and our earth.

I look forward to answering any questions you may have.

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^{vii} Dignity Health, *Sustaining Our Healing Ministry: Fiscal Year 2012 Social Responsibility Report*, p. 35. http://www.dignityhealth.org/stellent/groups/public/@xinternet_con_sys/documents/webcontent/stgss045842.pdf. These principles were developed by BizNGO Working Group, a unique collaboration in which Dignity Health has been actively engaged that promotes the creation and adoption of safer chemicals and sustainable materials in a way that supports market transitions to a healthy economy, healthy environment, and healthy people. <http://www.bizngo.org/guidingPrinciples.php>.

^{viii} Dignity Health, Hello Humankindness. <https://hellohumankindness.org/>. Also, attached to this testimony is a copy of an ad with the heading *The Earth's Health is Our Health* that has been released early in July 2013 in the Wall Street Journal and Washington Post, New Yorker magazine, and other print and media venues in Arizona, California and Nevada.

The Earth's health is our health.

Whether it's good soil, pure water, or clean air—our health is deeply connected to the health of our planet. Yet the very health care industry that's meant to heal us is a major contributor to environmental harm.

And humankindness is the answer.

By shining the light of humankindness on our own hospitals and care centers, we're helping to create a healthier future for our environment and the people living in it. Today, we can say we've transitioned to products free of PVC and DEHP, eliminated the use of mercury, and now power our Marian Regional Medical Center with methane from a nearby landfill.

These actions may win us recognition, but they also create clout to take on bigger challenges. We're now championing the modernization of the Toxic Substances Control Act in Congress to help ensure the chemicals and products we use are safe for humans, animals, and the ecosystem on which we all depend.

I am a woman of faith, and I believe we are called to respond when the earthly home we have been blessed with is threatened. Let's join together to protect the world around us. In doing so, we tap into a greater power to heal, to inspire, and to love.

And that's something we can all believe in.



Mary Ellen Leciejewski, OP
Sister Mary Ellen Leciejewski, OP
Director of Ecology, Dignity Health

Hello humankindness

WRITTEN TESTIMONY OF MAUREEN F. GORSEN
PARTNER, ENVIRONMENTAL AND LAND USE GROUP
ALSTON & BIRD, LLP
BEFORE THE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
OF THE
UNITED STATES SENATE
JULY 31, 2013

Madam Chair, distinguished members of the Committee and staff – good afternoon. Thank you for inviting me to testify today on the topic of public health protections that address potential threats from toxic chemicals, particularly as they relate to children and sensitive subpopulations. I hope my testimony will prove useful to the Committee.

I have been an environmental attorney since 1993, and spent half of that 20-year career in California state government service. Currently, I am a partner in the environmental and land use practice of the law firm of Alston & Bird, based in Sacramento. From 2003 to 2009, I served in two positions at the California Environmental Protection Agency (Cal/EPA), first as the Deputy Secretary for Law Enforcement and Counsel for Cal/EPA, and then as the Director of the California Department of Toxic Substances Control. Cal/EPA and its subdivisions implement and enforce the federal and state pollution control laws, such as the Clean Air Act, the Clean Water Act, CERCLA, RCRA, and Proposition 65. For most of the 1990s, I served as General Counsel of the California Natural Resources Agency where I had responsibility for policy, implementation and enforcement for state and federal laws governing the conservation of water, forests, coastal areas, flora and fauna such as the Endangered Species Act. I have also served as a Commissioner on the California State Parks and Recreation Commission. As a result of my California government service, I have had much opportunity to understand and appreciate how environmental conditions may be impacted by law and regulation.

This is particularly true with respect to the subject of this hearing. I led the Green Chemistry Initiative in California from 2006 to 2008 which resulted in the adoption of California's unique, first of their kind, laws providing overarching regulatory authority to Cal/EPA to collect data and information about the toxicity of chemicals in consumer products, and to require manufacturers to examine safer alternative ways to make those products.

The recent developments in Congress – the introduction of a bipartisan bill to strengthen TSCA, are a wonderful and unexpected surprise. Back in 2006 when California started the Green Chemistry Initiative, we did not hold out much hope for federal leadership or action on these issues. If the Chemical Safety Improvement Act is enacted, I believe that most of us who worked at the incipient phases of the Green Chemistry Initiative will feel quite proud that, in the great tradition that is California, we started something that spread eastward and was the impetus for positive change on the national level.

After 8 years of toiling in relative isolation to design a regulatory system to understand and regulate the risks posed by chemicals in consumer products, the announcement that a bipartisan compromise had been reached to update and strengthen TSCA has taken California by surprise. Some of the initial reactions by California’s regulators evidence this shock.

“cripples the police powers in California”

An allegation has been raised that this bipartisan compromise somehow “takes away” historical or traditional police powers. This is false.

California’s police powers are guaranteed by the 10th Amendment to the US Constitution. Police power is the capacity of the states to regulate behavior and enforce order within their territory for the betterment of the health, safety, morals and general welfare of their inhabitants.

For most of their now 50-year history, environmental laws have governed facilities, not products. California’s traditional police powers and historical regulation of the environment has governed the emissions and wastes of facilities located within the state’s geographical boundaries, to protect the environment and population located near the facility.

In 2006, California started the Green Chemistry Initiative to explore how it could stretch the application of 40 years of environmental laws governing emissions and wastes from facilities that impact air, water and land, to address the potential impacts to the environment and California’s population from ingredients in consumer products. One of the outcomes was the conclusion that those laws could not be stretched in this way, as they were not designed to address products and their raw material and supply chain decisions made around the globe. A new law was needed. New authorities were needed. Indeed, this resulted in California enacting a brand new safer consumer products law.

We, in California, are in a brand new era of environmental law.

California’s new law to address chemicals in products was passed in 2008, five years ago, and California has yet to commence implementation of the law. They have plans to start implementing the law in 2014 but even then they believe they will only be able to look at 3-5 chemical/product combinations in the first five years of the program. Therefore, it

cannot be said that the CSIA is “taking away” any historical police power. They haven’t even begun to exercise it.

Having a strong federal program that will address every single chemical, and their use in industrial and consumer products, currently active in commerce can only enhance the California program, and allow California to focus on those 3-5 chemical/consumer product combinations that impact California’s environment and public health more particularly. And it will most definitely help the rest of the nation, which has yet to arrive at this new era of environmental law.

“severely compromises California’s authority to supplement and complement federal efforts to regulate the safety of chemicals”

An allegation has been raised that the bipartisan compromise will prevent California from supplementing federal efforts and making more strict restrictions in California where deemed necessary.

California is a unique and special state. Both the highest and lowest elevation points in the lower 48 states are located in California and less than 150 miles apart – Mt. Whitney (14,505 ft) and Death Valley (-282 ft). Traveling horizontally across California from the Pacific Ocean to Nevada, one can cross 5 microclimates in less than 200 miles. Its geography does present unique environmental and public health issues that require special and individualized attention, and that may require stricter environmental restrictions than are necessary in other states.

With multiple mountain ranges and valleys creating ripe conditions for smog formation, parts of California have long suffered from intolerable air quality. Due to this particularized burden, the federal Clean Air Act has a waiver provision specific to California. California alone among the 50 states can obtain a waiver from EPA to set its own, more restrictive, motor vehicle emission standards.

Before implementing its own standards, however, California must first be granted a “waiver” from U.S. EPA

Under Clean Air Act Section 209, EPA shall grant a waiver unless it finds that California:

- was arbitrary and capricious in its finding that its standards are in the aggregate at least as protective of public health and welfare as applicable federal standards;
- does not need such standards to meet compelling and extraordinary conditions; or
- has proposed standards not consistent with Section 202(a) of the Clean Air Act.

The standard to obtain a waiver under the Chemical Safety Improvement Act is quite similar in wording and arguably appears to be less strict than the Clean Air Act requirement. The Chemical Safety Improvement Act waiver requirement requires the

State to show a “compelling local interest” in order to impose stricter requirements on chemicals and products entering California for sale than the EPA has determined.

While it cannot be known now how EPA will interpret and apply the words “compelling local interest” in the context of TSCA/CSIA implementation, we can look to how EPA has interpreted and applied the similar words, “compelling and extraordinary,” in the Clean Air Act waiver requirements.

Under the Clean Air Act, EPA has found that California has a need for stricter regulation to meet “compelling and extraordinary conditions” numerous times. In fact, US EPA has approved over 50 waivers for California to implement more stringent vehicle emissions rules.

It seems likely that if California has been able to make the case for “compelling and extraordinary” conditions under the Clean Air Act, it will be able to make the case for “compelling local interests” where the facts and circumstances warrant it.

It is not clear how often the facts and circumstances will warrant it. As the California Attorney General’s office noted in their letter to Senator Boxer, there may not be that many instances where a waiver is warranted, “since dangerous chemicals don’t act differently in different locations” and that “risks from exposure to chemicals in the home, at the office or at retail establishments do not vary from one state to the next.” (Letter from California Attorney General to Senator Boxer dated June 11, 2013.) Thus, to the extent that EPA acts to protect the public and environment from dangerous chemicals, Californians will benefit as much as citizens in other states.

For these reasons, it is not accurate to conclude that the Chemical Safety Improvement Act “severely compromises California’s authority to supplement and complement federal efforts to regulate the safety of chemicals.”

“California programs are threatened”

An allegation has been raised that important California programs are threatened. Examples included AB 32 – California’s climate change law, Proposition 65 and its consumer product VOC regulations.

Across the board, as general matter, California does have stricter standards to protect air, water, and land whether they are acting as the delegated authority under a federal law or implementing and enforcing a state law. The bill has an explicit exemption for state restrictions stemming from federal laws or state laws to protect air, water, waste, so California will continue to implement their stringent environmental standards.

All existing California laws will continue to be in force and in effect as the bill never preempts an entire law. To the extent that the bill contains strong federal preemption, it only extends to how a state can regulate an individual chemical in TSCA-like ways, and the specific scope of that preemption will be decided by EPA on a case-by-case,

chemical-by-chemical basis. Thus, the preemption on any and all existing state law and regulation will be decided by EPA and customized by EPA in their safety determination.

Thus, all California laws currently governing reduction of ozone in non-attainment areas, reduction of hexavalent chromium in drinking water, reducing of various chemicals to meet Proposition 65 warning levels, will continue to be in force and effect until such time as EPA acts to make a safety determination.

AB 32 (California's Global Warming Solutions Act of 2006) is not undermined by the Chemical Safety Improvement Act. With respect to California's program to address climate change, California is under no illusion that it can address this problem solely within its geographical boundaries. The very hope is that California is incurring great expense to take a leadership position, to develop the methodologies and regulatory tools that could one day be the foundation for a national climate change regulatory program. It is remarkable that California can take credit for acting first, taking the lead and playing a role in bringing about a strong federal program to regulate chemicals in products, and is not seizing on this.

“higher degree of protection needed in California”

California is a leader in protecting sensitive subpopulations.

California is currently implementing the first state level biomonitoring program. Cal. Health and Safety Code §§ 105440-105444. The program will engage in the systematic collection and chemical analysis of blood, urine, breast milk of a representative sample of Californians, that will also correlate the findings to demographics. The program will determine baseline levels of environmental contaminants in a representative sample of Californians, establish time trends in chemical levels, and assess the effectiveness of current regulatory programs.

California is also implementing the first state-level environmental health screening tool, CalEnviroScreen 1.0. Visually compelling, it is the nation's first comprehensive screening methodology to identify California communities that are disproportionately burdened by multiple sources of pollution. It measures a broad range of pollutants (*e.g.*, pesticides, diesel exhaust), locations of hazardous waste facilities and toxic cleanup sites, as well as health indicators (*e.g.*, asthma rates, low birth weight) and population characteristics (*e.g.*, poverty, elderly, percentage non-white). The factors result in scores, and are graphically illustrated with colors that become more intense as the pollution burden increases.

The results of these programs will be used by California regulatory agencies to identify communities with disadvantaged or sensitive populations that may be disproportionately affected by environmental harms to assist the state prioritize clean-up activities, administer environmental justice grants, and to fund projects in disadvantaged communities with the cap and trade auction revenue under AB 32.

The bill requires EPA to consider the “vulnerability of exposed subpopulations” in conducting its safety assessments. The bill also requires EPA to give higher priority to “relevant data and information from a Governor of a State or a State agency with responsibility for protecting health and the environment.” For these reasons, it can be anticipated that the results of these studies will greatly inform the regulatory reviews of California under its safer consumer products laws, and be introduced as evidence of the need for greater protections for those populations in the prioritization and safety determinations by EPA authorized by this bill.

These programs will not be preempted by the Chemical Safety Improvement Act. Rather, it is quite likely that they will benefit from the increased amounts of data and information gathered by EPA during its safety assessments, which will be valuable to craft more precise and efficient solutions for California.

Conclusion

Given that California has yet to regulate a single chemical under its 2008 law, and has plans to only address 3-5 chemicals in the next 5 years, the first time that the issue of preemption could be raised is in about 6 years when California’s review of those 3-5 chemicals is complete and they are ready to take a regulatory action regarding them. It wouldn’t take that much coordination and communication between Cal/EPA and US EPA on their respective program’s prioritization of chemicals to avoid the issue of preemption entirely. But even if, through what would then probably be described as an appalling lack of communication, they both choose to examine the same 3-5 chemicals in the next 5 years and have different opinions as to their safety or the scope of restrictions that ought to apply, California will have the opportunity to participate in the EPA safety determination process, provide its data and assessment evidence to bear on EPA’s determination, and, if the EPA determination fails to meet California’s needs, will have the opportunity to seek a waiver to impose a higher restriction on the sale of that chemical in California. Two agencies working on these issues, rather than one agency working in isolation in a single state, brings more resources and expertise to the important issue of chemical safety which will benefit all Californians, and can be shared with the rest of the country.

In sum, the Chemical Safety Improvement Act is likely to make all Californians safer from harmful chemicals in that it will authorize for the first time EPA to examine the safety of every single chemical in active commerce. In 2006, when the California Green Chemistry Initiative started, we did not imagine that Congress would ever act to grant EPA a brand new regulatory program with sweeping authorities to examine the safety of ingredients of consumer products and place restrictions on them. We may be in, what one of my old law professors termed, “a national moment,” when the greater good of the nation transcends quotidian self-interests. The bill is a bipartisan compromise that indicates that industry is willing and ready to be regulated by EPA in a way that seemed rather unfathomable in 2006.

I hope my testimony is helpful to the Committee.

Thank you.



AMERICAN COLLEGE OF
OCCUPATIONAL AND
ENVIRONMENTAL MEDICINE

Testimony of
Jonathan Borak, MD, FACOEM, FACP, DABT

on behalf of the

American College of Occupational and Environmental
Medicine

presented to the

Committee on Environment and Public Works
United States Senate

“Strengthening Public Health Protections by
Addressing Toxic Chemical Threats”

July 31, 2013

Thank you for this opportunity to present comments on the recently introduced Chemical Safety Improvement Act (S. 1009). My comments are made on behalf of the American College of Occupational and Environmental Medicine (“ACOEM”), but they also reflect my strongly felt personal views.

Allow me first to introduce myself and ACOEM. The American College of Occupational and Environmental Medicine (ACOEM) is a professional organization of more than 4,000 occupational physicians and other health care professionals. ACOEM provides leadership to promote optimal health and safety of workers, workplaces, and environments.

As for myself, I am Clinical Professor of Epidemiology & Public Health and Clinical Professor of Medicine at Yale University, a faculty member of the Yale Occupational and Environmental Medicine Program, and Adjunct Associate Professor of Medicine at The Johns Hopkins University. Among my Yale activities, I direct and teach required graduate-level courses in Toxicology and Risk Assessment.

The following provides an overview of my background and professional activities.

- I am Board Certified in Internal Medicine, Preventive Medicine (Occupational Medicine) and Toxicology (American Board of Toxicology) and I am a Fellow of the American College of Occupational and Environmental

Medicine, the American College of Physicians, the Royal College of Physicians of Canada, the Academy of Toxicological Sciences, and the American Industrial Hygiene Association.

- I am a member of the Editorial Boards of Journal of Occupational and Environmental Medicine, Journal of Occupational and Environmental Hygiene, and Occupational Medicine. I have authored and/or edited numerous books and scientific articles addressing the human health effects of industrial chemicals.
- I was a founding member of US EPA's National Advisory Committee to Develop Acute Exposure Guideline Levels for Hazardous Substances, a member of the National Research Council Committee on Toxicologic Assessment of Low-Level Exposures to Chemical Warfare Agents, and a member of a National Institute of Environmental Health Sciences review panel on Partnerships for Environmental Public Health.
- I served as an elected Director of ACOEM, as Chair of the ACOEM Council on Scientific Affairs, and as a member of numerous ACOEM councils and committees. I was also President of the Occupational and Environmental Medicine Association of Connecticut, and Chairman of the Connecticut State Medical Society Committees on Preventive Medicine and Emergency Medical Services.

The Chemical Safety Improvement Act ("CSIA") represents an important and overdue upgrade of the current Toxic Substances Control Act ("TSCA"). Most importantly, it

provides a mechanism that allows the EPA to more effectively identify and label those chemicals in commercial use that pose potentially significant risks of harm to health and the environment.

The CSIA requirement that EPA review all chemicals in commerce addresses the significant flaw in the current TSCA that allows a majority of commercial chemicals in be grandfathered without sufficient review of their potential risks.

The stratification of chemicals into two groups, "high" and "low" priority will be an efficient, albeit simple way, to prioritize those chemicals that may prove harmful and that deserve additional safety measures, ranging from additional warnings and labels to outright usage bans. By establishing such chemical-specific priorities, greater scrutiny and research efforts can be focused on those particular agents for which such efforts are most needed.

In addition, CSIA specifically addresses concern about vulnerable populations, most notably children and also pregnant women and their fetuses. The current TSCA does not require EPA to consider the particular effects of chemical on such vulnerable individuals.

It must also be acknowledged that while CSIA is a necessary step in the process of modernizing TSCA and, more generally, in the enhancement of the process by which chemicals are regulated in the United States, it is neither perfect nor complete. It would be improved by the setting of performance deadlines and the establishment of measures to monitor and ensure that safety measures are adequately protective of

vulnerable populations, including workers and others with risks of unique or significantly greater-than-ambient exposure levels.

Nevertheless, as currently written, CSIA is an important step in addressing and correcting serious flaws in the current Toxic Substances Control Act. It is also an example of the substantial benefits that we all derive from bipartisan legislative cooperation.

Accordingly, ACOEM is urging support for the Chemical Safety Improvement Act because it is an important step forward towards modernizing the Toxic Substances Control Act (TSCA), which is seriously flawed and needs fundamental reform.

I look forward to answering your questions.

STATEMENT OF

CECIL D. CORBIN-MARK
DEPUTY DIRECTOR/DIRECTOR OF POLICY INITIATIVES
WE ACT FOR ENVIRONMENTAL JUSTICE

BEFORE THE
UNITED STATES SENATE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

STRENGTHENING PUBLIC HEALTH PROTECTIONS BY ADDRESSING
TOXIC CHEMICAL THREATS HEARING

JULY 31, 2013



Good morning I want to thank Chair Barbara Boxer of California for the opportunity to present testimony and her leadership in protecting vulnerable communities across this country. Likewise, my thanks to the other distinguished members of the committee such as ranking minority member Senator Vitter of Louisiana and my very own Senator Gillibrand of the great state of New York for their time and attention.

My name is Cecil Corbin-Mark and I am the deputy director and director of policy initiatives at WE ACT for Environmental Justice. WE ACT for Environmental Justice is a 25-year old Northern Manhattan community-based organization building healthy communities by assuring that people of color and/or low-income participate meaningfully in the creation of sound and fair environmental health and protection policies and practices. We have offices in Harlem and here in Washington, D.C. I am also a member of the steering committee of the Safer Chemicals Healthy Families Campaign, a national effort to protect families from toxic chemicals, and I co-chair the Just Green Partnership, an alliance of more than 50 organizations working to build a healthy economy that provides good jobs producing clean products and services, in which our workplaces, schools, homes, communities and bodies are free of toxic chemicals. Lastly, I serve on the board of directors of three organizations that are committed to protecting the public's health and the environment from toxic chemicals: the Center for Environmental Health, Clean and Healthy New York and Friends of the Earth USA.

I am here today to testify about how chemicals have impacted me personally, to talk some about the health disparities in the community that I live and work in and why that makes my community and many like it across the country particularly vulnerable to the harmful effects of toxic chemicals. In addition, I want to share with you what several EJ communities and advocates across the country are currently doing to address the broken chemical policy system that is unable to protect our families from harm. I will close by highlighting that transitioning to safer alternatives to the toxic stew of chemicals currently in commerce is a path way to creating new green jobs, and I will offer a few recommendations for a better chemical policy framework.

So why is a guy from Harlem, New York before you today to talk about the Toxic Substances Control Act? The answer is simple. Chemicals have impacted my health, the health of my family members and some of my neighbors.

I want to share with two personal stories of how chemicals have directly impacted my life.

My first story is about the shower curtain smell. I am one of the many Americans who experienced headaches triggered as a result of the smell of my shower curtain, which I later learned were the chemicals off gassing. I remember one year when I was still a kid my mom purchased a clear plastic curtain with superheroes imprinted on it and a liner. I was so excited to take a shower with the super heroes. I believed that I would emerge from that shower sharing their powers and joining their ranks. Instead the smell triggered one of the worst headaches I ever had. To this day I can still remember the tears, the dizziness, the pain and that smell. As I grew older, I

recognized that the smell was a problem, but prior to being engaged in this line of work I did not know that there were alternatives to the toxic threat in my very own bathroom. I suffered with debilitating headaches for a long-time thinking that there was something wrong with me instead of the curtain.

My second story is about my son, Nigel. He attended La Salle Academy in New York City. One year while I was attending a conference in San Francisco, Nigel suffered an asthma attack at a school basketball game. His mom called to let me know that the school officials had rushed him to the hospital. Thank God everything turned out for the best. While Nigel's asthma is not really that bad, that day was a very scary one for him, his mother and me. When I asked my son about what brought on the attack he was baffled. He said the day had been a good day and that he was not in anyway really exerting himself. I asked him to replay the moments leading up to the attack in his mind only then did he remember a strong smell of pesticide in the boys locker room that triggered him to sneeze when he first got there. Obviously I cannot say with absolute certainty that the lingering pesticide residue was what caused his attack, but I also know that no one can say beyond the shadow of a doubt that it was not the culprit.

I live and work in Harlem, New York and my family has lived in the same neighborhood for about nine decades. The communities that I work in West, Central and East Harlem and Washington Heights covers an area of 7.4 square miles and is home to 650,000 mostly low to mid-income African-Americans and Latinos. Known for its richly diverse population and cultural history, the area also bears disproportionate rates of disease, air pollution and toxic exposures. Northern Manhattan leads the nation in asthma hospitalizations, low birth weight and lead poisoning to name a few. Diabetes and obesity are also raging epidemics in our communities.

There are high rates of public assistance in our neighborhoods and many of the residents that we organize do not have health insurance. Studies conducted by the New York City Planning Department document that many of our neighborhoods have limited or no access to fresh fruits and vegetables. And the availability of regular quality medical care is also a significant challenge.

Downtown Manhattan may be known for Broadway, the Empire State Building, the Statute of Liberty and several other iconic landmarks, but uptown our neighborhoods have auto body shops and dry cleaners co-located with residential apartments, diesel bus depots across the street from parks and bedroom windows. Likewise, nail salons and dollar stores with many products that contain ingredients capable of disrupting a woman or man's reproductive system abound in Northern Manhattan.

While I am describing my hometown, I could in many ways be talking about places in Michigan, Illinois, Ohio, Georgia, Maryland, Texas, Tennessee, Pennsylvania, Florida or Louisiana. The combination of poor health outcomes and negative socio-economic factors make Harlem and Washington Heights, and the many places like it across this great nation, ill equipped to handle the toxic chemical exposures they face because our chemical regulatory system is broken.

You might conclude that just because the dry-cleaning store, nail salons and auto body shops abound and are co-located with residential buildings in my community doesn't mean that we are exposed to toxic chemicals. You would be wrong. I draw your attention to the following studies and reports.

Despite the fact that New York State is a major agricultural state, a study released by the New York Public Interest Research Group (NYPIRG) several years ago documented that the highest use of pesticides in the state occurred in New York City. The report noted that schools and other public buildings had a greater number of pounds of pesticides applied than the fields and farms upstate.

New York State Department of Health conducted a study in East Harlem and it found high levels of PERC in the apartments where dry cleaners were co-located. PERC is a volatile organic compound that can move through walls and easily enter the blood stream. In many studies PERC has been found in mother's breast milk.

The Columbia University Mailman School of Public Health Children's Environmental Health Center and my organization, WE ACT for Environmental Justice, collaborate on two community-based research projects looking at mothers and children in Northern Manhattan. In one research project following a cohort of 700 mother child pairs and examining dust samples in the homes of the mothers prenatal exposure to two household pesticides, chlorpyrifos and diazinon, which transfer readily to the fetus, were found to reduce birth weight by an average of 6.6 ounces (Whyatt, et al, *EHP* 2004). Furthermore, high prenatal exposure to pesticide chlorpyrifos was found to be associated with psychomotor and cognitive delay and attentional disorders at age 3 (Rauh et al, *Pediatrics* 2009).

Early findings from another research project with the same cohort is indicating that Dibutyl Phthalate, a phthalate commonly found in perfumes is staying in the mothers body longer than first thought and researchers are concerned that the Dibutyl Phthalate may be passed on to the fetus. I want to emphasize that these findings are very early.

Toxic chemicals don't belong in people. Yet all the studies that I have just rehearsed all indicate that these chemicals are present in the bodies of some 700 mothers and children in Northern Manhattan. Chemicals are entering our bodies in our homes and in the places where we work.

While researchers have not yet come up with all the answers to what harm can result from every exposure, advocates in the environmental justice communities have begun to mobilize and are calling on government to fix our broken chemical policy system.

What are the flaws in our chemical policy regulatory system? Chemicals in the modern world are mixed and combined to create new substances and materials yet our regulatory system regulates

them one by one. For communities, especially vulnerable ones, long beleaguered by multiple exposures to toxic chemicals this system fails to protect our families on a daily basis and that is both unacceptable and “un-American”.

Vulnerable populations need to be a core focus for the laws that reform the Toxic Substances Control Act of 1976. By this standard and many others the Chemical Safety Improvement Act (S. 1009) falls far short of what vulnerable populations need. As currently written S. 1009, requires the U.S. Environmental Protection Agency (EPA) to assess exposures of sub-populations to chemicals during the course of a safety assessment, but it doesn't explicitly require that safety determinations protect vulnerable populations from those exposures. This reminded me of a body of laws that we had in this country as late as the 1950's they perpetuated a doctrine known as separate but equal. I know that this was not the intent of the drafters but I am here to flag that not focusing on the vulnerable populations could very well create a system that leaves the vulnerable populations without the protection they need. This is a critical omission and cannot be allowed to stand.

Many organizations and community leaders in the environmental justice movement have time and again called attention to the fact that some populations and communities are more vulnerable because of disproportionate exposures. The National Academy of Sciences and multiple other studies have documented the vulnerable populations such as developing children pregnant women and other groups are biologically more susceptible to harm from exposure to toxic chemicals.

Another unacceptable omission in S. 1009 is the lack of a definition for vulnerable populations. I have learned, sometimes the hard way, that if it isn't defined in the legislation it doesn't exist. Clearly, the drafters of this legislation did not intend for pregnant women, developing children, African-Americans with respiratory illnesses, Latinos over the age of 65, Indigenous peoples with compromised immune systems, Asian-Americans with chemical sensitivity and other vulnerable populations to not exist.

The Chemical Safety Improvement Act (S. 1009) must define “vulnerable populations” and explicitly require that they be protected from the multiple and aggregate exposure they are subject to.

Another challenge for vulnerable communities is that S. 1009 as currently drafted would not allow states to fully protect their citizens once a chemical was named as either a “high priority” or “low priority” chemical under the law. The challenge that these designations present to vulnerable communities is that the designations themselves need not be accompanied by any regulations to protect the public, while at the same time denying these citizens the protections that state action might afford them. While we welcome federal action to reform our chemical policy laws to better protect vulnerable populations, we recognize the effectiveness of state and local authorities to inform and protect all their citizens, especially the most vulnerable. The Chemical Safety

Improvement Act (S.1009) must clearly preserve the authority of state and local governments to inform and protect the vulnerable.

I want to say a word specifically to Senator Vitter here. I love the state of Louisiana. It is a special place in our nation with a vast reserve of treasure in its people, marine life and its culture. I love New Orleans almost as much as I love New York City. However, for as much as Louisiana has to offer there are some deep challenges in some communities in the sportsman's paradise with legacy chemicals. Sadly, S. 1009 doesn't require that legacy exposures to toxic chemicals be considered because the definition of "intended conditions of use" does not include them. For vulnerable communities to be protected we need this provision to be fixed. Places like Sunrise, Reveilletown, Morrisonville, Bel Air or Diamond Louisiana today no longer exist because of toxic contamination. Senator we cannot allow what happened there to happen in other communities across this great nation.

And as for the other members of this committee I may have named specific places in Louisiana, but I suspect that it wouldn't be impossible to find other places in other states that suffered a similar fate or are today dealing with legacy exposures. Legacy exposures or "hot spots" need to be defined and S. 1009 must require that they be included in the assessment and determination where appropriate.

Likewise, S. 1009 needs to direct EPA to develop lists of these places and clear action plans for reducing the exposure of these vulnerable populations to these toxic chemicals. S. 1009 should also direct the EPA to provide Congress with an annual progress report detailing the agency's efforts to eliminate disparate legacy exposures or "hot spots".

We see the current regulatory system as flawed and badly in need of reform. Specifically, we are calling for comprehensive and inclusive approach to chemicals policy. All chemicals need to be subject to the same regulatory system.

What would a comprehensive chemical regulatory system look like? It would:

- Require chemical manufacturers to provide data on the chemicals they make and their potential public health impacts before they can get to the market
- Eliminate the most highly hazardous chemicals from the market
- It would work with manufacturers to find safer substitutes for the most hazardous substances
- It would require labeling that communicates effective information to the consumer in a culturally appropriate manner and in multiple languages
- Provide the regulatory agency with the power to protect the health of the public and the environment
- It would employ a hazard rather than exposure-based risk system
- It would work in cooperation with international chemical treaties

We are at a crossroads in the history of our nation. Each of you has before you the opportunity to redesign our chemical policy based on new understanding about the impacts of chemicals in the lives of every American. You have the chance to make sure that there are no more stories of communities like Sunrise, Reveilletown, Morrisonville, Bel Air or Diamond Louisiana, which today no longer exist because of chemical toxic pollution and exposures. You have the opportunity to protect future generations of Americans like my son from lives riddled by contamination. And you have the opportunity to set us on an economic path that will lead to prosperity and health for those working in the chemical industry by propelling us to be the leaders in the development of safer substitutes.

We want to work with all of you to take us to that better America. As a start we need to reform our chemical policy laws in a way that protects the vulnerable among us. Protecting the least among us is a moral charge that is echoed in the Bible, the Talmud and the Koran. I know that we have leaders in the Senate ready to take up that charge. You are those leaders don't fail Harlem, Brownsville, Mosseville, Convent, Barrio Logan in San Diego, Oakland, Baltimore, the Wind River Reservation, Birmingham, and other communities.

Thank you.

OPENING STATEMENT OF DOROTHY FELIX
PRESIDENT
MOSSVILLE ENVIRONMENTAL ACTION NOW

BEFORE THE ENVIRONMENTAL AND PUBLIC WORKS COMMITTEE
U.S. SENATE

July 31, 2013

Thank you, Chairperson Boxer, Ranking Member Vitter, who represents my state of Louisiana, and Members of the Environment and Public Works Committee for holding this important hearing. My name is Dorothy Felix and I am the President of Mossville Environmental Action Now. My organization works to achieve environmental justice in the historic African American community of Mossville, Louisiana.

I appreciate the opportunity to share with you the urgent need for legislation that protects the health of people who are living in polluted communities. I speak to you today out of concern for the future of my community of Mossville and communities across this country, where Indigenous people and people of color are disproportionately harmed by toxic pollution.

Mossville has been home to my family and neighbors for several generations. I treasure my childhood memories of growing up in this small, rural community at a time when the air was healthy to breathe, the waterways were clean and full of fish, and the soil produced vegetable gardens and fruit trees. I regret that my grandchildren and great-grand children will never see and touch the natural beauty that was once Mossville.

Today, Mossville is a different place as a result of weak environmental laws that permit no less than 14 industrial facilities to release toxic pollution around our homes, churches, and playgrounds. Inside the historic boundaries of Mossville are three chemical manufacturers (Georgia Gulf, PPG Industries, and Sasol), one oil refinery (Phillips 66), and one oil production facility (Excel Paralubes). Within one-fourth of a mile from

Mossville are seven chemical manufacturers (Arch Chemical, Bio-Lab, Certainteed, Lyondell Chemical Worldwide, PHH Monomers, Tessenderlo Chemical, and Tetra Chemical), one coal-fired power plant (Entergy Roy S. Nelson Plant), and one industrial gas supplier (Air Liquide).

You cannot enter or exit Mossville without crossing train tracks used to transport toxic chemicals, and often have to wait for the freight trains to pass. Toxic chemicals are also moved through pipes that are cased in large racks over our main street and located underneath the ground in our community. The industrial companies have built around, over, and under Mossville as if our community, settled more than 200 years ago, does not exist.

We lost the eastern section of Mossville to toxic chemical contamination from underground pipeline leaks of ethylene dichloride. In light of mounting evidence, industrial companies in Mossville were forced to admit their fault for causing the leak that contaminated nearby drinking water wells. In 1995, Mossville residents brought a lawsuit against the companies and agreed to a settlement that involved the companies agreeing to purchase all of the properties in the eastern section. The companies managed to insert into all settlement agreements signed by Mossville residents a provision that prevents residents from bringing any claim in the future for health problems related to the contamination. There was no health monitoring or health services provided to residents, who for years unknowingly drank and used water from wells where the contamination was present.

Harsh fumes and odors are always present in Mossville, forcing you to stay indoors. In response to my organization's call for help, the US Environmental Protection Agency ("EPA") brought to Mossville a state-of-the-art mobile air monitor that detected toxic chemicals released from nearby industrial facilities at concentrations 100 times above the State of Louisiana's health-based air quality standards.¹ Federal and state environmental agencies warn us to not eat the fish or swim in local waters because of toxic chemical contamination.² A federal health agency also detected toxic chemicals in the fruits and vegetables grown in our community.³

My family and neighbors, children and the elderly, suffer from severe health problems that medical experts and scientists have associated with toxic chemical exposures. My organization petitioned federal agencies to investigate Mossville residents' exposure to dioxins, which are extremely dangerous chemicals. In response, the US Agency for Toxic Substances and Disease Registry ("ATSDR") conducted blood tests that revealed Mossville residents have elevated levels of dioxins in their blood that are on average

¹ US Environmental Protection Agency, Results of Trace Atmospheric Gas Analyzer in Mossville, Calcasieu Parish, Louisiana, 1999.

² National Oceanic & Atmospheric Agency, Contamination Extent Report and Preliminary Injury Evaluation for the Calcasieu Estuary, 1997; Louisiana Department of Environmental Quality & Louisiana Department of Health and Hospitals, Fishing & Swimming Advisories; and US Agency for Toxic Substances and Disease Registry, Health Consultation: Follow-up Dioxin Exposure Investigation, Calcasieu Estuary (a/k/a Mossville), March 2006.

³ US Agency for Toxic Substances and Disease Registry, Health Consultation: Follow-up Dioxin Exposure Investigation, Calcasieu Estuary (a/k/a Mossville), March 2006

three times higher than the national comparison group.⁴ Dioxins cause cancer, impair the reproductive system, and disrupt the human hormone system, creating long-term health problems that can begin in the womb and last for a lifetime. These and other severe health effects have been documented in several health studies of Mossville residents.⁵ In addition, the testing showed that the group of dioxins detected in the bodies of Mossville residents was unique and different from the national comparison group, which led ATSDR's health consultants to conclude that local sources in the Mossville area may be responsible.⁶

Although finding the sources of the dioxin exposures was part of the ATSDR's investigation in Mossville, it was never undertaken by the agency. For this reason, my organization, in collaboration with Advocates for Environmental Human Rights, a public interest law firm, and Wilma Subra, an environmental scientist, did the work that ATSDR

⁴ ATSDR, Health Consultation: Exposure Investigation Report, Calcasieu Estuary (a/k/a Mossville), November 1999; and ATSDR, Health Consultation: Follow-Up Exposure Investigation, Calcasieu Estuary (a/k/a Mossville), March 2006.

⁵ Mossville Environmental Action Now, *et al*, Industrial Sources of Dioxin Poisoning in Mossville, Louisiana: A Report Based on the Government's Own Data, July 2007, available at: <http://www.ehumanrights.org/docs/REVISED%20MOSSVILLE%20REPORT%20%28WEB,%20FULL%29.pdf>.

Wilma Subra, Health Report on Mossville, Calcasieu Parish, Louisiana, 2009, available at: <http://www.ehumanrights.org/docs/Mossville-Chemicals-and-Health-Report.pdf>.

Peter Orris and Katherine Kirkland, Cook County Hospital, Division of Occupational and Environmental Medicine, Report on Consulting Activities Related to Mossville, LA, November 4, 1999.

Pat Costner, Greenpeace, Dioxin & PCB Contamination in Mossville, Louisiana: A Review of the Exposure Investigation by ATSDR, February 23, 2000.

Dr. Marvin Legator, University of Texas at Galveston Medical Branch, Mossville Health Symptom Survey, 1998.

⁶ Peter Orris and Katherine Kirkland, Cook County Hospital, Division of Occupational and Environmental Medicine, Report on Consulting Activities Related to Mossville, LA, November 4, 1999.

neglected to do. We collected the raw data from ATSDR's dioxin testing and compared them to the EPA's Toxic Release Inventory reports of dioxin emissions by Mossville-area facilities. What we found and published in the report, *Industrial Sources of Dioxin Poisoning in Mossville, Louisiana: A Report Based on the Government's Own Data*, showed a correlation between the dioxins detected in our blood and the dioxins emitted by six Mossville-area industrial facilities (Entergy Roy S. Nelson coal-fired power plant, Georgia Gulf vinyl manufacturing facility, Lyondell chemical manufacturing facility, Phillips 66 oil refinery, and PPG Industries vinyl manufacturing facility).⁷

However, it is not enough that the EPA and other environmental and health agencies document the toxic chemical exposures taking place in Mossville. They must be required by law to take action that protects communities from these toxic chemical exposures which are disproportionate in relation to the rest of the nation. Current environmental laws do not require the prevention of disproportionate toxic exposures. In fact, these laws make it legal for the 14 industrial facilities to pollute Mossville. They provide no remedy for the severe health problems and environmental damage we suffer.

People living in polluted communities are left on their own to educate themselves about toxic chemical exposures. We learn which chemicals cause cancer, reproductive damage, asthma, and other health problems. But we learn this after the painstaking process of connecting the dots between the health problems suffered by our family and neighbors

⁷ Mossville Environmental Action Now, *et al*, [Industrial Sources of Dioxin Poisoning in Mossville, Louisiana: A Report Based on the Government's Own Data](http://www.ehumanrights.org/docs/REVISED%20MOSSVILLE%20REPORT%20%28WEB,%20FULL%29.pdf), July 2007, available at: <http://www.ehumanrights.org/docs/REVISED%20MOSSVILLE%20REPORT%20%28WEB,%20FULL%29.pdf>.

and the pollution in our neighborhoods. Then we go to the environmental agencies for help. Instead of help agency we are told by agency officials that environmental permits give polluting companies the right to release toxic chemicals that we breathe and come into contact with the chemicals on a daily basis. We then find out that the laws authorizing these permits are not based on safeguards that actually protect human health. We are left without laws to prevent or remedy the toxic exposures that damage our health and force many families to flee their communities.

Less than two weeks ago, the Sasol Corporation, which operates a chemical facility in Mossville, announced that it will offer to buy the properties of Mossville residents.⁸ Why? The company is planning to build what would be the first facility in the United States that converts natural gas from fracking into diesel fuel. Where does the company want to locate this facility? In the heart of what remains of Mossville. Relocation away from Mossville is not a solution to our problem. It is an option of last resort.

I cannot emphasize enough that the best solution for communities harmed by toxic pollution is legislation that protects our right to prevent and remedy this harm. Unfortunately, the Chemical Safety Improvement Act, Senate Bill 1009, denies this right by excluding key provisions found in the Safe Chemicals Act of 2013. Section 34 of the Safe Chemicals Act essentially requires the EPA to develop and implement an action plan that reduces disproportionate exposures to one or more chemicals in a community. My organization, in collaboration with a diverse coalition that included environmental

⁸ SASOL, [News Release: SASOL Announces Voluntary Property Purchase Program for Residents in Designated Areas Affected by the Company's Growth](http://www.sasollouisianaprojects.com/news.php?type=P), July 18, 2013, available at: <http://www.sasollouisianaprojects.com/news.php?type=P>.

justice groups, medical professionals, children advocacy organizations, health advocates, and some national environmental organizations, worked hard to support the Safe Chemicals Act, which was introduced earlier this year by the late Senator Lautenberg. The Safe Chemicals Act stands as the only piece of legislation introduced in this session mandating the reduction of toxic exposures in communities like Mossville, where we suffer from

- greater than average exposures to dioxins that are at elevated levels in our bodies,
- greater than average exposures to toxic chemicals in the air we breathe that are 100 times above health-based standards, and
- greater than average exposures to toxic discharges that poison fish and make local waters which were once clean and used for baptisms unsafe for swimming.

I urge you to consider the community improvements that can be achieved with legislation requiring the EPA to move beyond repeatedly documenting the horrendous toxic exposures suffered disproportionately in communities across this nation, and take action to eliminate these exposures.

I encourage those of you who may not have done so to spend time in the communities in your states, where people have been denied a healthy environment. Talk to the residents and gain their perspectives on the need for stronger legislation. You all have an open invitation to visit Mossville anytime.

I am happy to answer any questions you may have. Thank you.



TESTIMONY OF ANDREW R. HACKMAN

VICE PRESIDENT OF GOVERNMENT AFFAIRS

TOY INDUSTRY ASSOCIATION (TIA)

SUBMITTED TO

U.S. SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

HEARING ON

**“STRENGTHENING PUBLIC HEALTH PROTECTIONS
BY ADDRESSING TOXIC CHEMICAL THREATS”**

JULY 31, 2013

www.toyassociation.org

Overview

Chairman Boxer, Ranking Member Vitter, and Members of the Senate Committee on Environment and Public Works, the Toy Industry Association (TIA) appreciates the opportunity to provide testimony during this hearing on the issue of reforms to the Toxic Substances Control Act (TSCA) and to also voice our support for S.1009, the Chemical Safety Improvement Act (CSIA).

TIA is the not-for-profit trade association for inventors, producers, importers, and retailers of toys and youth entertainment products sold in North America. Our Association represents more than 600 members – from large to small toy companies – that account for more than 85% of the nearly 3 billion toys sold in the United States each year ... these toys generate nearly \$22 billion in domestic toy sales. The U.S. toy industry directly supports more than 320,000 jobs and more than \$12 billion in wages annually; nearly one-third of these jobs are provided by small businesses.¹

TIA recognizes that parents are concerned about chemicals used in everyday products and we fully support efforts to enhance public confidence in the safety and management of chemicals through the modernization of TSCA. Federal action is also urgently needed to address the emergence of new individual state regulations that are resulting in an unworkable patchwork of varying requirements across the nation and that are already significantly impacting innovation and the distribution of toys.

We commend the bipartisan sponsors of S.1009 for their interest in assuring that chemicals and products are safe. TIA and its members share this interest. Toy safety – and assuring that children are safe while at play – is the toy industry’s top priority. This is why we support the *single* strong, protective national toy safety framework now administered by the U.S. Consumer Product Safety Commission (CPSC). Providing a similar framework for TSCA is necessary to create an equally strong safety program for chemicals used in products across the nation.

For this reason, and for the safety of all consumers and children, we urge the Committee to rely on a risk-based approach in reforming the Toxic Substances Control Act that provides uniformity across state boundaries.

Toys are Designed and Regulated for Safety

Every time a member of our industry places a new or existing product on the shelf, we renew our commitment to toy safety.

TIA and its members have a long history as leaders in toy safety requirements. We created the first national toy safety standard, now known as ASTM F963, nearly 40 years ago. In fact, next month will mark the fifth anniversary of Congress mandating that toy safety standard as federal law.

¹ From the *Toy Industry Association Economic Impact Study 2012*, John Dunham and Associates. Developed using standard econometric models maintained by the Minnesota IMPLAN Group using data from industry sources, U.S. Department of Commerce – Bureau of Economic Analysis, and Dun and Bradstreet, Inc.

Following the implementation of the Consumer Product Safety Improvement Act (CPSIA) in 2008, Senator Richard Durbin (D-IL) stated, “The industry realizes that maintaining consumer confidence is critical... They held themselves to a higher standard. I am really pleased.” More recently, CPSC Chairman Inez Tenenbaum stated, “I am pleased to report that the state of toy safety is strong—it is strong thanks in large part to the actions of many of you in industry.” She also added, “Strong toy standards support the production of safer toys in the marketplace.”

Toymakers are constantly ensuring that the materials used in toys are safe and provide the desired function for a toy or toy component. TIA’s members perform rigorous safety assessments and required third-party testing prior to the marketing and sale of their products. These tests consider the chemicals found in the toy, possible exposure to substances within the product, and potential impacts on a child. Hundreds of health and safety requirements are reviewed and tested each time a product is developed.

In addition to meeting stringent internal company safety requirements, all toys sold in the U.S. must also comply with numerous federal safety and environmental regulations under a variety of laws, mandatory standards and regulations, including:

- The Consumer Product Safety Improvement Act (CPSIA) of 2008 and its update in 2011
 - The U.S. national toy safety standard, ASTM F963, *Standard Consumer Safety Specification for Toy Safety* (made mandatory under Section 106 of the CPSIA)²
- The Consumer Product Safety Act (CPSA)
- The Child Safety Protection Act (CSPA)
- The Federal Hazardous Substances Act (FHSA), and
- The Toxic Substances Control Act.

Under this network of requirements, it is illegal to sell toys or children’s products containing substances considered to be harmful and to which children might be exposed.

But the toy industry will not rest in its ongoing efforts to develop and implement strict, risk-based safety requirements for its products. Via the ASTM standardization process, toy industry representatives work alongside medical experts, consumer representatives, government agencies and other stakeholders to continually review new and emerging risks to children and update the standard to keep pace with product innovation. Together, these experts develop science-based requirements that will become the new mandatory standards³ for the entire toy industry. Recent examples include the new, more stringent limits that were set for heavy metals (such as cadmium) in toys.

The ASTM Subcommittee on Toy Safety has become known for its ability to identify emerging hazards and quickly develop risk-based standards to address them. The toy safety standards produced through this public- and private-sector partnership have served as a model for other jurisdictions around the globe.

² Consumer Product Safety Improvement Act, Sec. 106, Public Law 110-314 – August 14, 2008 [15 USC 2056b].

³ *ibid*

The Impact of State-Based Chemical Regulation Programs

Since the toy industry's products come in contact with children each day, we have been uniquely impacted by the handful of states that have implemented chemical regulation programs. Even small differences in definitions and interpretations can dramatically inflate testing costs and compliance procedures, but these differences lead to **no improvement** in toy safety.

Ensuring compliance with differing state-based chemical restriction and reporting requirements has resulted in the creation of extensive data collection and submission systems by companies, additional product testing, and extensive staff planning. For product manufacturers – especially small and medium sized companies – the resource burdens of these programs escalate over time. Reviewing and certifying products to different requirements in each state has jeopardized the viability of many small businesses and hindered their ability to expand and create jobs.

For example, in Washington State, the Children's Safe Products Act reporting program has been documented to cost the toy and children's product industry up to \$27.6 million the first year, followed by \$2.8 million annually in subsequent years⁴ just for testing data needed to comply with the program. Non-risk-based chemical reporting does not improve a parent's understanding of the safety of a product but it does result in unnecessary compliance costs for the toy company.

State-based efforts to regulate "chemicals of concern" in consumer products also place a burden on state government agencies. In California, where "Green Chemistry" legislation became law in 2008, it was estimated during passage of that law that implementing the program would cost the state \$7.3 million over the first five years.⁵ In Maine, estimates show that the hidden fiscal burden associated with the implementation of their chemical regulation program would range from \$900,000 to \$1.6 million in initial start-up costs and then an additional \$900,000 to \$2.2 million annually. Again, these costs are only those incurred by state agencies ... not the cost to product manufacturers.

TIA and its members support efforts that improve toy safety and are committed to those efforts regardless of the cost. However, children's safety is better served through a federal approach to evaluating risks from chemicals than from a patchwork of state requirements.

Benefits of a Unified National Chemicals Management Program

Revising TSCA as drafted in S.1009 ensures that products and chemicals are uniformly safe for intended uses across all 50 states. A nationwide approach under S.1009 would:

- Address safety and risk issues from chemical uses nationwide;
- Eliminate impediments to interstate commerce that would otherwise increase the cost of products;
- Allow manufacturers to redirect resources to focus on truly ensuring safety – not data compliance;

⁴ Washington Council of Ecology, *Final Cost-Benefit and Least Burdensome Alternative Analysis*, Page 11. 11-07-022.

⁵ California State House Appropriations Committee Fiscal Summary, AB 283. Available at: http://info.sen.ca.gov/pub/07-08/bill/asm/ab_1851-1900/ab_1879_cfa_20080807_131956_sen_comm.html

- Create a more predictable regulatory environment via one national policy;
- Establish a clear risk-based U.S. scheme of chemical regulation that can be a model for global chemical regulation; and
- Allow state and local governments to focus on higher priority issues to improve public health.

TIA believes that chemical and product safety can be best approached at the federal level due not only to the availability of additional federal resources and expertise, but also from use of existing scientific data and risk-based approaches by the Environmental Protection Agency (EPA).

Importance of Uniform National Requirements for Interstate Commerce and Global Competition

Limited preemption is important under TSCA because this law could establish strong, uniform national standards for chemical substances. Without preemption, a modernized TSCA could create more uncertainty than it resolves. On complex issues that impact a broad array of consumer goods produced and sold in interstate commerce, a national scheme of uniform standards is the most effective way to assure that manufacturers, distributors and retailers in each state adhere to the same requirements. Disparate and inconsistent state and local requirements on nationally distributed substances (and products incorporating those substances) unduly burden interstate commerce, confuse consumers and reduce consumer choice.

Global commerce has expanded significantly since TSCA was enacted in 1976. State laws and regulations that might have made sense when markets were primarily local now result in conflicting requirements in an age where markets are regional, national, and global. Modern economic realities require Congressional action to establish a uniform federal U.S. chemical regulatory system. Strengthening TSCA's preemption provisions is consistent with this need. Limited preemption, as proposed in S.1009, is consistent with regulation of the toy industry under the CPSA, CPSIA and FHSA.

Product safety is not a local issue – it is a national obligation. Children in all 50 states should be protected by the same effective product safety standards. In a globally competitive marketplace, the federal government should assert its right to regulate interstate commerce via the establishment of uniform national requirements. Only with such action can a fair playing field be established that does not impose undue burdens upon product producers from different states and localities.

Support for a Risk-Based Approach to Chemicals Management

TIA supports strong risk-based regulations for toys that are enforced consistently across the nation.

Therefore, TIA supports S.1009, the proposal to reform TSCA that was introduced by the late Senator Lautenberg and received with broad bipartisan support, because it has a risk-based approach to decision-making that is based upon sound science.

Additionally, S.1009 directs EPA to rely on a “weight of evidence” approach that uses credible and authoritative scientific data to demonstrate harm in its assessments, determinations, and regulatory actions. This risk-based approach is also consistent with how toys are regulated by the CPSC.

TIA also supports TSCA reform as proposed by S.1009 because it will provide additional information about chemicals in the materials used to make toys. This will improve our industry’s ability to make toys even safer.

S.1009 offers the best path forward to achieving a reasonable national program that looks at risks from chemicals and their uses in products.

Conclusion

The Toy Industry Association and its more than 600 members share the Committee’s interest in the safety of toys and protecting the health of children. As an industry of parents and care-givers, we would like to reiterate that the safety and well-being of children will always be our top priority.

TIA asks that the Committee support a uniform and risk-based approach to TSCA reform that includes uniformity and limited preemption.

TIA supports S.1009 because it offers a path that will:

- (1) Improve the toy industry’s ability to make toys even safer by creating a single, uniform system that will address the current inconsistent patchwork of state-by-state regulations,
- (2) Make chemicals management decisions through the use of a weight-of-evidence approach and under a risk-based threshold, and
- (3) Result in greater information about the risks from chemicals in products and the environment.

Chairwoman Boxer, Ranking Member Vitter, and Members of the Committee, we again appreciate this opportunity to provide our perspective on this critical issue. The toy industry is committed to working with you to develop practical, scientifically-sound reforms to TSCA that strengthen protections for children and the environment and foster innovation by the toy industry in the global marketplace.

We would be happy to address any questions that Members of the Committee might have with regard to our interest in this topic and proposed TSCA reform legislation.



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STATEMENT OF
ANSJE MILLER
EASTERN STATES DIRECTOR
CENTER FOR ENVIRONMENTAL HEALTH

BEFORE
THE U.S. SENATE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

HEARING ON
STRENGTHENING PUBLIC HEALTH PROTECTIONS BY ADDRESSING TOXIC CHEMICAL
THREATS

JULY 31, 2013

Thank you, Chairman Boxer and Ranking Member Vitter for the opportunity to appear before this subcommittee today. I am Ansje Miller, Eastern States Director of the Center for Environmental Health.

The Center for Environmental Health's Commitment to Addressing Toxic Chemical Threats

For more than seventeen years, the Center for Environmental Health has worked to protect children and families from harmful chemical exposures. We work collaboratively with major corporations, helping them identify ways they can reduce their use of toxic chemicals, often resulting in economic savings while protecting public health. In some cases, we use litigation to reduce the use of and exposure to toxic chemicals. The Center for Environmental Health has protected millions of Americans across the country from toxic chemicals by testing consumer products and contaminated facilities and reaching agreements with companies to remove the toxic health threat.

Background

Most Americans believe that if a product is on the store shelf, it has been tested for safety. But unfortunately, that is simply not true. The Toxic Substances Control Act of 1976 (TSCA), the law that is supposed to provide that assurance to Americans, is a stunning public health failure that

harms American children, families, workers, and communities every day, leaving us all vulnerable to thousands of chemicals associated with cancer, obesity, developmental delays, and other devastating health problems.

During its thirty-seven years of ineffectiveness, states have stepped into the void to protect its residents. One such law is California's Safe Drinking Water and Toxic Enforcement Act of 1986, known as Proposition 65, which is a strong state consumer protection law. The Center for Environmental Health has been a public interest enforcer of Proposition 65 since 1996.

Using this law, we achieve national and even international changes in production practices that set limits on lead and/or other chemicals in children's products. We have reached industry-wide legal agreements that have eliminated threats to children's health from arsenic-based preservatives used in the wood play structure industry and from lead in home water filters, diaper creams, children's medicines, children's jewelry, imported candies, children's vinyl lunchboxes and vinyl baby bibs.

Many of these agreements and other state laws have led to federal laws and regulations not only by the Environmental Protection Agency, but also by the Food and Drug Administration, and the Consumer Product Safety Commission. These are all examples of the success of the United States' federal system codified by the 10th Amendment of the Constitution. The states are the laboratories where critical reforms are taking shape and then over time are adopted nationally.

While the states continue their role as laboratories, it is also important that we fix TSCA's problems so that the EPA can effectively do its job as well. As founding members of Safer Chemicals Healthy Families, the Center for Environmental Health has worked in a concerted way to reform the Toxic Substances Control Act to give the Environmental Protection Agency the tools it needs to effectively protect the public health and the environment from toxic chemicals.

Recommendations

As members of Safer Chemicals Healthy Families, the Center for Environmental Health endorses its platform for reforming TSCA as follows. That platform states:

A reformed Toxic Substances Control Act (TSCA) would serve as the backbone of a sound and comprehensive chemicals policy that protects public health and the environment, while restoring the luster of safety to U.S. goods in the world market. Any effective reform of TSCA should:

- **Immediately Initiate Action on the Worst Chemicals:** Persistent, bioaccumulative toxicants (PBTs) are uniquely hazardous. Any such chemical to which people could be exposed should be phased out of commerce. Exposure to other toxic chemicals, such

as formaldehyde, that have already been extensively studied, should be reduced to the maximum extent feasible.

- **Require Basic Information for All Chemicals:** Manufacturers should be required to provide basic information on the health hazards associated with their chemicals, how they are used, and the ways that the public or workers could be exposed.
- **Protect the Most Vulnerable:** Chemicals should be assessed against a health standard that explicitly requires protection of the most vulnerable subpopulations. That population is likely to usually be children, but it could also be workers, pregnant women, or another vulnerable population.
- **Use the Best Science and Methods:** The National Academy of Sciences' recommendations for reforming risk assessment at the Environmental Protection Agency (EPA) should be adopted. Regulators should expand development and use of information gleaned from "biomonitoring," the science of detecting human chemical contamination, to inform and impel efforts to reduce these exposures.
- **Hold Industry Responsible for Demonstrating Chemical Safety:** Unlike pharmaceuticals, chemicals are currently presumed safe until proven harmful. The burden of proving harm falls entirely on EPA. Instead, chemical manufacturers should be responsible for demonstrating the safety of their products.
- **Ensure Environmental Justice:** Effective reform should contribute substantially to reducing the disproportionate burden of toxic chemical exposure placed on people of color, low-income people and indigenous communities.
- **Enhance Government Coordination:** The EPA should work effectively with other agencies, such as FDA, that have jurisdiction over some chemical exposures. The ability of the states to enact tougher chemical policies should be maintained and state/federal cooperation on chemical safety encouraged.
- **Promote Safer Alternatives:** There should be national support for basic and applied research into green chemistry and engineering, and policy should favor chemicals and products that are shown to be benign over those with potential health hazards.
- **Ensure the Right to Know:** The public, workers, and the marketplace should have full access to information about the health and environmental hazards of chemicals and the way in which government safety decisions are made.

The Center for Environmental Health endorsed the Safe Chemicals Act of 2013 because it embodies these important principles.

Center for Environmental Health's Position on the Chemical Safety Improvement Act

Unfortunately, the current effort to reform TSCA – the Chemical Safety Improvement Act (Lautenberg/Vitter S.1009) (CSIA) – would perpetuate and in some cases worsen many of TSCA's unacceptable failures.

One of the CSIA's many prominent weaknesses is its failure to forcefully preserve the right of states to protect their residents from toxic chemicals. Since TSCA's passing some 38 years ago, American families' major victories against toxic chemicals have been won by state and local governments that have stepped into the regulatory void left by TSCA. With these state-level victories in mind, we note that the current version of the CSIA does little to improve the federal government's ability to protect American families from toxic chemicals. And worse, the CSIA would cripple state efforts to fill the regulatory void it creates. The CSIA represents a long, backward step for the health of American families.

The Center for Environmental Health opposes the bill unless it is amended to address the following concerns.

The CSIA Must Explicitly Preserve the Legal Authority of States to Protect their Residents from Toxic Chemicals

If passed, industries will argue that the CSIA preempts state regulation of toxic chemicals in at least four significant ways:

1. Under the CSIA, once EPA has made a "safety determination" regarding a toxic chemical, all state laws restricting the use or distribution of that chemical in commerce could be preempted. If, for example, EPA in its review of the strong neurotoxin lead decides to ban lead in ammunition, but defers action on other uses of lead, industry will argue that California's Proposition 65 can no longer allow the state to regulate lead in toys, candy, jewelry, or any product. Further, all existing Proposition 65 consent judgments mandating that consumer products comply with Proposition 65's lead limits could be rendered unenforceable. The CSIA could similarly preempt other laws that states have adopted to protect their residents from toxic chemicals. Once EPA acts on BPA, state laws that protect children from bisphenol A (BPA), a hormone disrupting chemical still often found in baby products such as pacifiers and formula containers would be vulnerable. Under the CSIA, if EPA issues a safety determination requiring that BPA be phased out over time, industry will argue that this action preempts all state laws banning BPA in baby products, including New York's groundbreaking BPA ban. The same fate would likely befall laws prohibiting the use of BPA in cash register receipts, such as Suffolk County's innovative ban on these receipts. These are just a few of countless examples of how the CSIA could hobble state and local efforts to protect families from toxic chemicals.

2. Once EPA puts a chemical on a “low-priority” or “high-priority” list, all new state restrictions on the use or distribution of that chemical in commerce could be preempted in their entirety. This means that state laws such as California’s Proposition 65 could no longer be used to regulate any new chemical introduced by industry into the market once EPA puts that chemical on a list, whether low- or high-priority. Since there are no clear deadlines or timetables for action, the EPA can put the chemicals on the list, fail to take action for 20 years, and effectively tie the hands of state and local governments from protecting their residents from the chemical in the meantime.
3. Once EPA requires information or testing regarding a chemical, all state laws that are “reasonably likely to produce the same data or information” could be preempted by CSIA. For example, the CSIA’s preemption provisions may prevent California’s Department of Toxic Substances Control from fulfilling its responsibilities under the state’s Safer Consumer Products regulations – a pioneering effort to protect people’s health and strengthen the state’s economy. These include the responsibility to provide information to consumers, to restrict certain chemical-consumer product combinations, to create requirements relating to the end-of-life of products that contain toxics, and more broadly to promote safer chemistry and engineering. The CSIA could similarly prevent state agencies in Washington from fulfilling their obligation under the state’s Children’s Safe Products Act to obtain data about chemicals in children’s products to inform parents which products contain toxic chemicals.
4. People could be prevented from recovering monetary relief and/or equitable remedies under state tort law when they are injured by exposure to a chemical about which EPA has made a “safety determination.” In addition, a person injured by a toxic exposure after a “safety determination” may be prevented from obtaining a remedy under tort law if EPA determines the chemical meets applicable safety standards for certain uses. For instance, a person injured by a chronic, years-long exposure to a toxic chemical deemed safe by EPA would be unable to seek recourse under state tort law.

Legislation to reform TSCA must clearly and explicitly protect states’ rights to continue to take action and protect American families from toxic chemicals.

The CSIA Must Make Particular Efforts to Protect those Most Affected by Toxic Chemicals

A central moral failure of the CSIA is that it does not require particular protections for communities and populations that bear the worst brunt of toxic pollution or are more vulnerable to toxic chemicals. These are developing children, pregnant women, and other people who are more vulnerable to harm from toxic chemicals, as well as workers and low-income communities populated predominantly by people of color who have suffered the worst harm from inadequate regulations, often for generations.

The CSIA's sponsors must define "vulnerable populations" and "toxic hot spots" to reflect the unjust reality of chemical exposure today. We urge the sponsors to amend the CSIA such that it requires EPA to regulate emissions and other industrial activities and reduce persistent, bioaccumulative toxic chemicals in these hot spots immediately. American families in our nation's most disenfranchised communities deserve the same clean air, clean water, and other fundamental health opportunities as our nation's most privileged communities.

The CSIA Must Require that EPA Review Sufficient Data before Deeming Chemicals to be "Of Low Concern"

The CSIA would allow EPA to deem chemicals to be of low concern without sufficient data to make such a determination. In one of its more troubling provisions, the CSIA would also allow chemical companies to control which data that government bodies at the federal and state levels are allowed to review as they consider regulations on toxic chemicals.

Before EPA deems a chemical to be low priority, the agency should have adequate data to demonstrate that the chemical truly has a "reasonable certainty of no harm." The CSIA must require chemical companies to submit minimum information sets in a timely manner, equipping EPA to evaluate new chemicals and new uses of chemicals and to evaluate chemicals for prioritization. It must also allow government bodies at all levels to make important regulatory decisions based on all available and credible data.

The CSIA Must Call for Immediate Action on the Most Dangerous Chemicals

Scientists and regulatory bodies worldwide have classified certain chemicals as persistent, bioaccumulative, and toxic (PBTs). One of the key failures of TSCA is that it does not equip EPA to protect our nation's families from PBTs or from other similarly harmful chemicals. EPA's inability to regulate asbestos is a tragic example of this failure. Fixing TSCA will require that we give EPA the tools to protect our nation's children from the worst chemicals by expediting action on PBTs and other chemicals of equivalent concern.

Instead, the CSIA requires that EPA undergo a prohibitively cumbersome and bureaucratic process in order to phase out dangerous chemicals. This would undermine, long-overdue action to protect families from toxic chemicals. The CSIA must reduce red tape and assign top priority to the swift regulation of the most dangerous chemicals.

The CSIA also adopts a vague safety standard that will not guarantee that chemicals entering the marketplace and used in manufacturing are actually safe. To protect American families, EPA should follow the National Academy of Sciences' assessment methods and rely on a more conservative standard of "reasonable certainty of no harm."

The Health and Safety Information About Chemicals Must Not be Kept Secret from American Families

The CSIA would grandfather confidential business information (CBI) claims on products and chemicals made prior to the enactment of the bill. Further, the bill does not require EPA to disclose the number and duration of CBI claims it grants to chemicals, making it difficult for families to know what chemical hazards they might be exposed to. The CSIA also fails to require that EPA release the secret data at the end of the CBI protection period. Given these flaws, it is troubling that the CSIA would simultaneously limit health care professionals' access to information about the identity of secret chemicals, even in medical emergencies.

CSIA must protect people's right to know which chemicals they are exposed to.

Next Steps

While the Center for Environmental Health is concerned about the deep flaws in CSIA, we are pleased to see that Washington is taking seriously the issue of TSCA reform, and we look forward to working with leaders in the Senate and Congress to fix and pass a CSIA that truly protects the health of American families.



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3+

Disney
+STORE



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