

Environmental toxins: no more guessing

Chemical manufacturers in the US must shoulder more responsibility for the substances they produce, argues Democrat Congressman Bobby Rush, chair of the House of Representatives Subcommittee on Commerce, Trade and Consumer Protection and co-sponsor of draft TSCA reform proposals in the House.

In my youth, one of the most popular films of the day was *Guess Who's Coming to Dinner*. This 1967 iconic film featured a loving, inter-racial couple who simply saw one another as human beings and dared their parents and the broader society to do the same. If producers were making that same film today, its name could more accurately be released as, *Guess What You're Eating for Dinner!* And you know what, guessing is what you'd be doing because until our nation's toxic substances laws are strengthened consumers continue to live under a cynical game of chance as they're exposed to potentially debilitating toxins in our environment. Many of our citizens are getting sick because of it and, right now, they have little to no recourse.

You may think I'm kidding but, sadly, I'm not.

Given the virtually non-existent regulatory oversight of toxic chemicals in our country since the Toxic Substances Control Act (TSCA) became law 34 years ago, consumers far too often unknowingly ingest or are exposed to commonly used toxic substances that are present in everything from the food we eat to the clothes we wear to the colourful but, potentially toxic toys that toddlers routinely put in their mouths.

Stiff penalties

On 28 May, my subcommittee completed the public comment period for our discussion draft of proposed legislation. We sought out and heard from a diverse array of environmental, business and assorted activist groups – from the political left and the right – and the feedback we received was enlightening. To date, my friend and chair of the Energy and Commerce Committee, Henry Waxman, and I have worked in a bipartisan manner with our

Republican colleagues along with our respective staffs and assorted stakeholders to address all of the fundamental issues. Our goal has been to introduce legislation that we believe will allow us to look consumers in the eye and assure them that effective regulatory controls are in place and that manufacturers understand that failure to comply with tougher safety standards is not only unacceptable but will be met with swift, stiff penalties for non-compliance.



Rush: producers must be liable

Over the last two decades, a number of regulatory and enforcement barriers to effective implementation of TSCA have been identified, and there's consensus on the need for TSCA to be amended. In 2009, the Government Accountability Office named TSCA a "high-risk" priority and one of the areas most in need of broad reform.

As this comprehensive legislation winds its way to conclusion, I welcome this opportunity to outline the 'must haves' in the final legislation.

First, revamped legislation simply must put the responsibility, and *liability*, for ensuring the safety of chemical substances squarely at the feet of the manufacturers who produce and sell those substances. While there are all kinds of legal reasons why this should be the case, simply put, I believe if you're the manufacturer of a product you should know all the elements

in that product and you must be responsible for clearly and accurately reporting that information to consumers *before* they make their purchase. That disclosure should be above board and not hidden away in some hard to read, obscure part of a label or buried in the corner of a website.

While the federal government's ability to effectively monitor, test or otherwise oversee assorted industries will be strengthened through our legislation, right now our nation is bearing the brunt of decades of lax to non-existent federal oversight and the harm to consumers is immeasurable.

Vulnerable populations

As I recently noted in our third subcommittee hearing on TSCA in this session of Congress, we've learned of serious public health issues suffered by diverse groups including indigenous peoples from the native American Savoonga and Gambell nations whose subsistence hunting lifestyle puts them at higher risk for ingesting PBTs from wildlife. It's also well documented that African Americans die from asthma twice as often as whites while their cancer mortality rates are higher than any other group. And, nearly 30 million Hispanics, *or 72% of their entire US population*, live in places that don't meet US air pollution standards. I mention these groups because these populations are the most vulnerable to ingesting or being exposed to environmental toxins, but they are also the least able to obtain redress from their government.

Other reforms include giving the Environmental Protection Agency more streamlined oversight authority to allow it to quickly respond to evidence of environmental toxins. New chemical compounds should also pass rigorous safety standards *before* they are introduced to the marketplace. As it stands now, the profit needs of the manufacturer have more power than the health and safety needs of the consumer. The final bill I'll support will change that.

Consumers should not have to guess about the level of potentially hazardous toxins that they or their families are exposed to in their daily lives. Our exposure to environmental toxins should never be a game of chance.