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A Pediatrician's Guide to Legislation and Advocacy on Persistent Organic Pollutants

Session: Nexus on Environment and Health Program
Number: H232
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Washington, DC



A Pediatrician's Guide to US Legislation and Advocacy on POPs
American Academy of Pediatrics, Atlanta, Oct. 9, 2006

A Pediatrician's Guide to US Legislation and Advocacy on Persistent Organic Pollutants (POPs)

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Preview

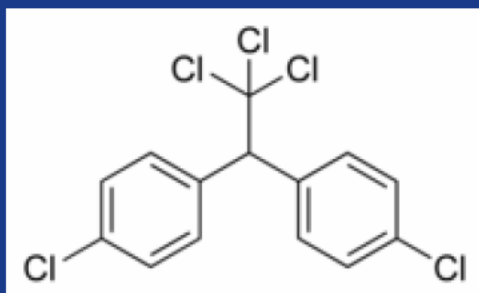
- ◆ **The POPs Problem**
- ◆ **US Federal Law on POPs**
- ◆ **The Global POPs Treaty**
- ◆ **Advocacy on US Ratification**

POPs Characteristics

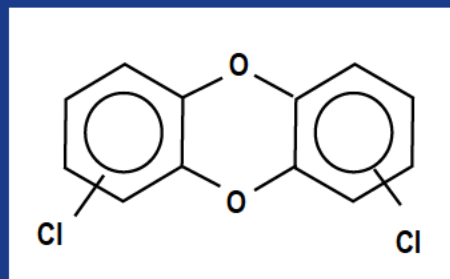
Persistent	$t_{1/2}$ ~ months to years
Bioaccumulative	$C_{\text{Body}} > 5000x C_{\text{Aqueous}}$
Toxic	Carcinogenic, Mutagenic, Repro Toxic, etc.

Some Familiar POPs

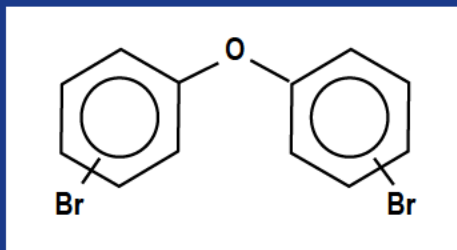
DDT: insecticide



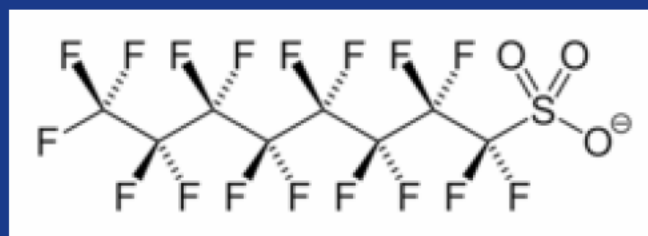
Dioxin: by-product



PBDE: flame retardant



PFOS: nonstick coating






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What's the Problem?

Problem: Dangerous chemicals are found where they don't belong.

A photograph of a polar bear walking across a rocky, snow-dusted shore. The bear is in profile, facing right, with its thick white fur catching the light. The background is a soft-focus landscape of rocks and snow under a pale sky.

Arctic Monitoring and Assessment Program reports chemical contamination of seals, polar bears, peregrine falcons and indigenous people -- hundreds of miles from the nearest industrial activity.

Arctic Pollution 2002

Photo © WWF / Fritz PÖLKING

POPs in the Arctic

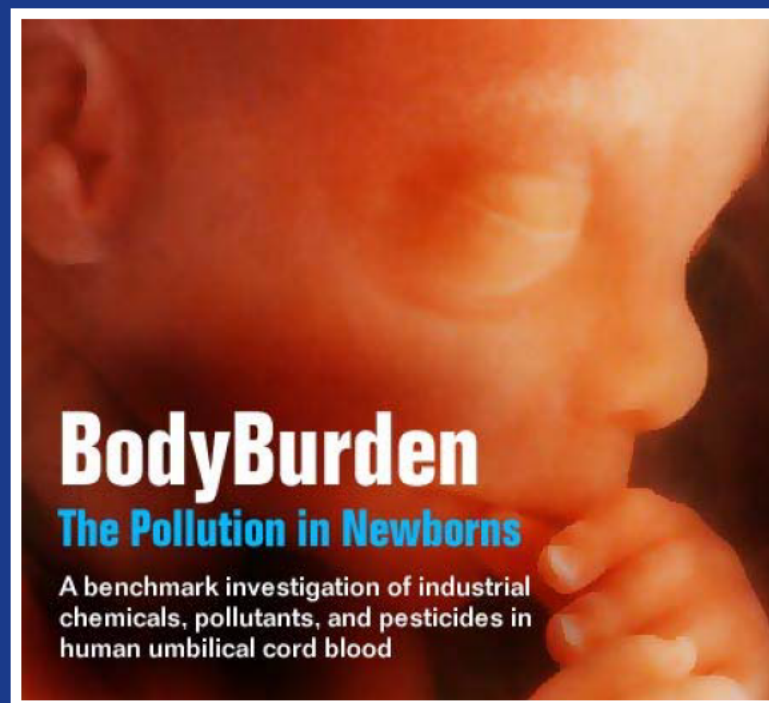
“In Alaska we are seeing cancer not only in our people but in the animals we harvest for our traditional foods which sustain us.”



Shawna Larson
Indigenous Environmental Network
Chickaloon Village, Alaska

POPs in People

**CDC's national
NHANES survey has
documented DDT,
dioxins, and other
POPs in the blood of
American adults.**



**The Environmental Working Group reports
POPs chemicals in umbilical cord blood.**

<http://www.ewg.org>

US Chemical Laws are Not Working

“Most Americans believe their government is making sure that chemicals used in the market place are safe. Unfortunately, that simply isn't true.”

Frank Lautenberg
US Senator, New Jersey

Key US Federal Laws on Toxics

TSCA: Toxic Substances Control Act of 1976

Authorizes EPA to regulate the
industrial chemicals

FIFRA: Federal Insecticide, Fungicide and
Rodenticide Act of 1981

Authorizes EPA to regulate the
aagricultural chemicals

TSCA, the Principal US Toxics Law

TSCA makes it very difficult for EPA to get data—or take action—on most industrial chemicals

of chemicals

- 60,000** Existing Chemicals in 1981
- 200** Evaluated by EPA since 1976
- 5** Banned under TSCA since 1976
- 0** Banned under TSCA since 1990*

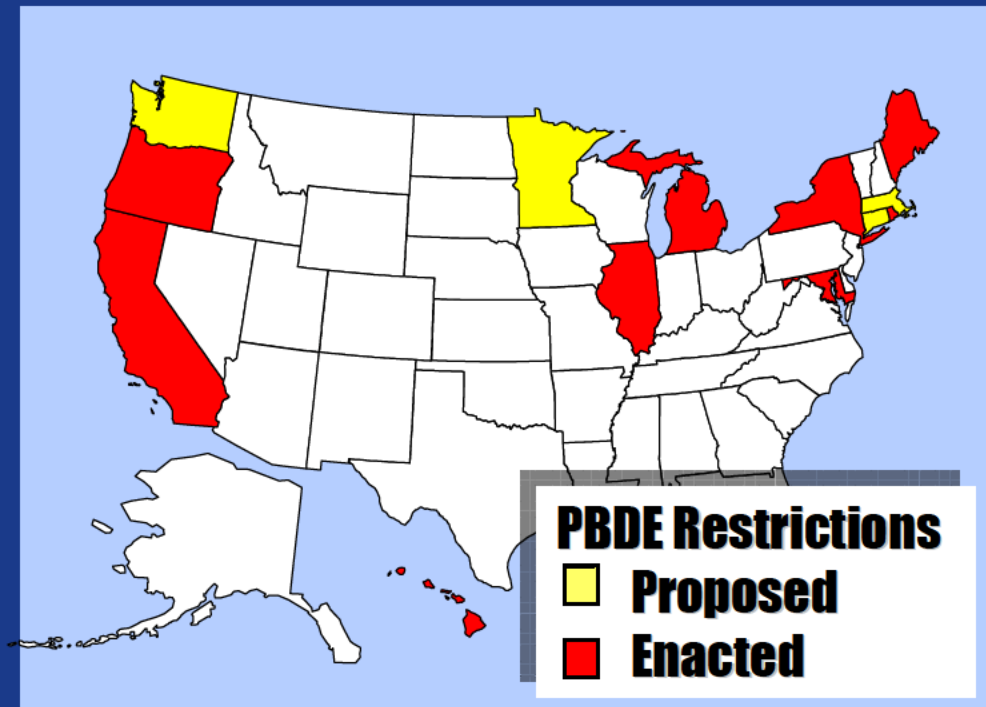
[US Govt. Acct. Office, 2005]

TSCA's Key Policy Flaws

- ◆ **EPA has little power to demand data on over 90% of industrial chemicals**
- ◆ **EPA has the burden of proof that a chemical presents an “unreasonable risk”**
- ◆ **EPA regulations must balance costs and benefits, consider alternatives, and choose the “least burdensome” option**

States are Filling the Federal Void

Nine states have passed Bans or Restrictions on PBDEs; Others States are considering Action



FIFRA, the Federal Pesticides Law

- ◆ **Under FIFRA EPA Registers Pesticides, (similar to FDA and Pharmaceuticals)**
- ◆ **Unless they cause “Unreasonable Adverse Effects,” taking into account Economic, Social and Environmental Costs**
- ◆ **FIFRA Allows US Manufacture of Banned Pesticides for Export**

Slow Response: The Case of Lindane

- ◆ **EPA began review of lindane in 1977**
- ◆ **Adverse effects on liver, kidney, and endocrine function; known animal carcinogen**
- ◆ **EPA canceled all agricultural uses in 2006**
- ◆ **Lindane already banned in 52 countries**



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Global Problems Require International Action

The POPs Treaty: A Global Response

The **Stockholm Convention** is an international treaty to protect human health and the environment by eliminating POPs around the world.

- 1998-2000:** Negotiated
- 2001:** Signed in Stockholm, Sweden
- 2004:** Entered into Force

POPs Treaty: Policy Features

- ◆ **“Dirty Dozen”**

Aldrin, Chlordane, DDT, Dieldrin, Endrin, Heptachlor, Hexachlorobenzene, Mirex, Toxaphene, PCBs, Dioxins, Furans

- ◆ **New POPs will be added through a rigorous international scientific review process**

- ◆ **Financial, Technical Assistance for Developing Countries**

Stockholm POPs Treaty: Key Concepts

- ◆ **Eliminating POPs that imperil human health or the environment**
- ◆ **"Opt-in": The US cannot be required to regulate a POP against its will**
- ◆ **Using a "Precautionary Approach"**

Precaution in Healthcare

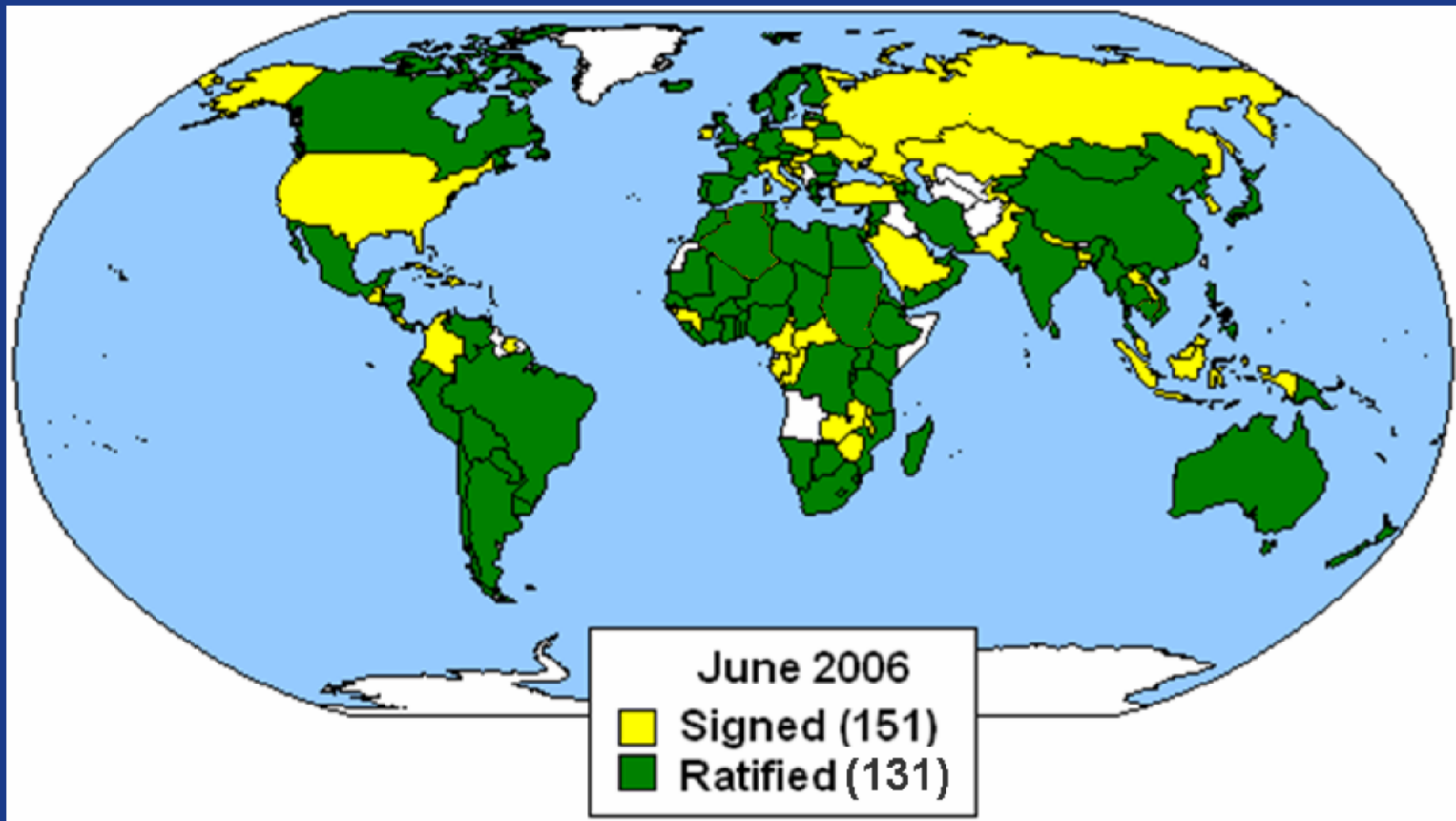
“We’ve taken a precautionary approach, meaning that where there is credible evidence that a material may result in environmental or public health harm, we strive to replace it with safer alternatives.”

***Lynn Garske, Kaiser Permanente
Environmental Stewardship Manager***

POPs Treaty: Nominated POPs (2005)

- ◆ **Lindane (Proposed by Mexico)**
- ◆ **Chlordecone (Eur. Union)**
- ◆ **Hexabromobiphenyl (Eur. Union)**
- ◆ **Pentabromodiphenyl ether (Norway)**
- ◆ **Perfluorooctane sulfonate (Sweden)**

Over 131 countries have ratified the POPs Treaty ... but not the US





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Advocacy on US Ratification

Political Support for Ratification

“PCBs, DDT, and the other toxic chemicals . . . are linked to developmental defects, cancer, and other grave problems in humans and animals. The risks are great, and the need for action is clear. We must work to eliminate, or at least to severely restrict the release of these toxins without delay.”

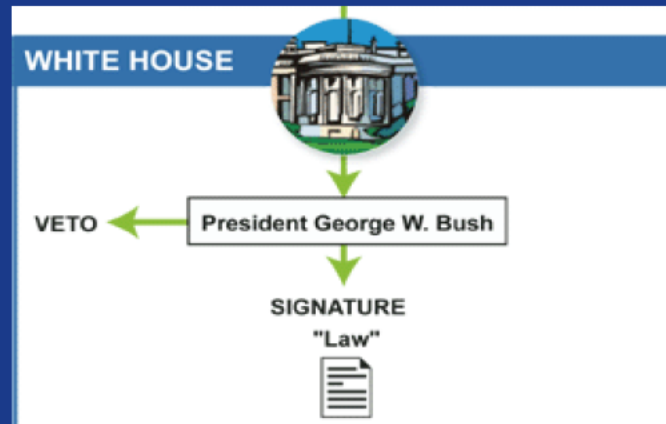
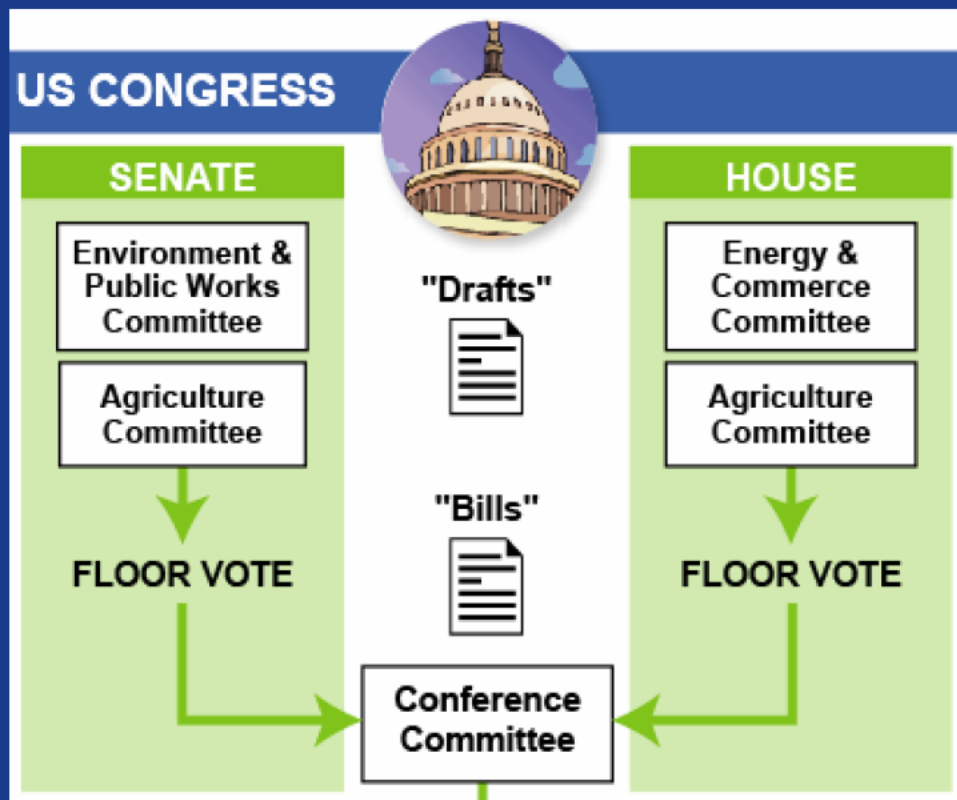
President George W. Bush
April 19, 2001

US Ratification of the POPs Treaty

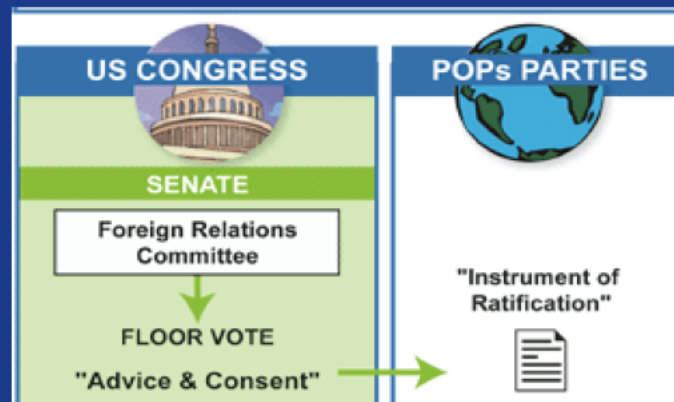
- ◆ **US Signed the Stockholm POPs Treaty in 2001, under President Bush**
- ◆ **Senate must give “Advice and Consent”**
- ◆ **But first, Congress must Amend TSCA and FIFRA so the US can meet its Commitments**
- ◆ **Then the US can Become a “Party” to this International Agreement**

Roadmap for POPs Ratification

Implementing Legislation



Ratification



Two Approaches for Regulating POPs

Health-based	Cost-Benefit
Act with Precaution	Wait for Certainty
Accept Intl. Review	Start from Scratch
Empower States	Pre-empt States

Bad POPs Bill in the House!

**In the Final Days of this Session, Congress
May Still Act to Pass POPs Legislation ...
Bad Legislation!**

"POPs [Persistent Organic Pollutants] . . . PCBs, DDT, and the other toxic chemicals . . . are linked to developmental defects, cancer, and other grave problems in humans and animals. The risks are great, and the need for action is clear. We must work to eliminate, or at least to severely restrict the release of these toxins without delay."

-- President George W. Bush, April 19, 2001

**If You Care About Public Health
Vote No On H.R. 4591**

The House of Representatives soon will
sponsor by Rep. Gillmor, H.R.
Substances Control Act
ratification

Gillmor Bill: A Step Backward

HR 4591 by Gillmor (R-Ohio) would:

- ◆ **Prevent EPA Regulation of New POPs**
- ◆ **Put Profits on Par with Public Health**
- ◆ **Preempt State, Local Actions on POPs**

Status: Awaiting Vote on House Floor

Gillmor POPs: Burden and Delay

The Gillmor POPs bill would “increase the burden to EPA and the taxpayers of unnecessary analyses, open new opportunities for litigation, and render it difficult if not impossible for the EPA to take action.”

Dr. Lynn Goldman, MD
Johns Hopkins University

Former Head of EPA Office on
Pesticides & Toxic Substances

Solis Bill: The Right Approach

HR 4800 by Solis (D-Cal) would...

- ◆ **Direct EPA to Take Prompt Action on New POPs**
- ◆ **Apply the Stockholm Treaty's Health-based Standard**
- ◆ **Empower State, Local Action on POPs**

Status: Defeated in Committee

POPs Pesticides and FIFRA

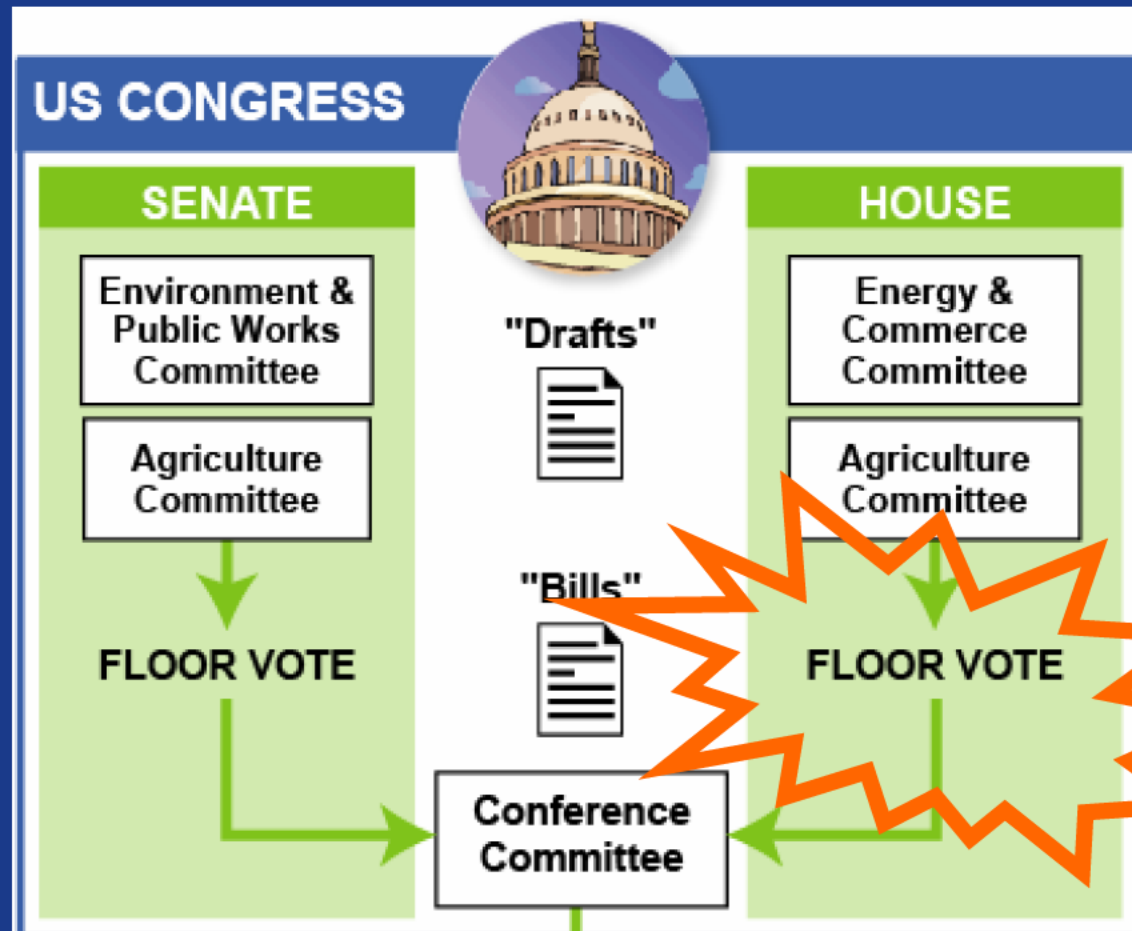
Other Bills were Introduced in the House and Senate to Amend FIFRA:

- ◆ **HR 3849 (Lucas) Voted out of House Ag**
- ◆ **S 2032 (Chambliss) Pending in Senate Ag**
- ◆ **Key issue: Closing the Export Loophole**

Status of POPs Legislation (Oct. 2006)

**No TSCA
Bill**

**✓ FIFRA
Bill**



Gillmor

**✓ TSCA
Bill**

**✓ FIFRA
Bill**

Opposition to Gillmor POPs Bill

- ◆ **65 Environmental Groups**
- ◆ **11 State Attorneys General**
- ◆ **Alaskan and Native American Groups**
- ◆ **United Steelworkers, AFL-CIO**
- ◆ **American Nurses Association, ...**

Nurses Speak Out on POPs

The American Nurses Association supports legislation that "embodies the spirit of the Stockholm Convention by applying the treaty's health-based standard under US law."

**American Nurses Association
Letter to Congress
June 7, 2006**

Prognosis for POPs Ratification

- ◆ **If House remains under Republican control, Gillmor-style POPs legislation likely (2007)**
- ◆ **If the House shifts to Democratic control, Solis-style POPs legislation is likely (2007)**
- ◆ **Congress *Could* take up POPs in the Lame Duck session (2006)**

Beyond POPs

- ◆ **The POPs Debate Highlights Real Problems in US Regulation of Chemicals**
- ◆ **It also Demonstrates Broad Public Support for Human Health Protection**
- ◆ **What Principles Will Guide the New Approach on Chemicals?**

Louisville Charter for Safer Chemicals

Require Safer Substitutes and Solutions

Phase Out Persistent, Bioaccumulative, Toxic Chemicals

Give the Public and Workers a Full Right-to-Know

Act with Foresight

**Require Comprehensive Safety Data
for All Chemicals by 2020**

**Take Immediate Action to Protect
Communities and Workers**



The screenshot shows the website for the Louisville Charter for Safer Chemicals. At the top, it reads "the LOUISVILLE CHARTER FOR SAFER CHEMICALS" with a quote from Senator James Jefferson, LV: "It is time to hold the chemicals in our consumer goods household products to a higher standard, and fully understand their effect on our bodies." Below this is a navigation menu with links for Home, About the Charter, The Charter, Endorsements, Press, and What's New. A row of five small images follows: a child's face, a car, a group of people, a man in a white shirt, and a man in a dark shirt. The main content area features a large image of a nest with three blue eggs. To the right of the nest, text reads: "By designing new, safer chemicals, products, and production systems we can protect people's health and create healthy, sustainable jobs. Some leading companies are already on this path. They are creating safe products and new jobs by..." To the right of this text is a list of bullet points under the heading "Shifting markets to safe products and a chemicals will require policy changes. A step to creating a safe and healthy work environment is a major reform of our nation's chemicals policy. Key reform is..."

How You Can Help Tackle POPs

- ◆ **Learn More About the Issues**
- ◆ **Write Your Congress Members**
- ◆ **Speak Up for Environmental Health**

Conclusions

- ◆ **Prevention is the Best Medicine for POPs**
- ◆ **US Ratification is a Necessary Step for a Global Solution to POPs**
- ◆ **US Must Address the Larger Problem of Unregulated Chemicals**

Thank You!

Resources

- ◆ Official Stockholm Convention website <http://www.pops.int>
- ◆ US Ratification of the Stockholm Convention: Analysis of Pending POPs Legislation, CIEL, June 15, 2006 Update
http://www.ciel.org/Chemicals/chem_POPs.html
- ◆ IPEN International POPs Elimination Network, over 400 groups around the world cooperating to eliminate the threat of persistent pollutants.
<http://ipen.ecn.cz/>
- ◆ The US POPs Watch Campaign information and opportunities support effective US ratification of the Stockholm Convention on POPs.
<http://www.uspopswatch.org>
- ◆ Louisville Charter: Public statement supporting reform of US chemical policy in favor of safer alternatives. www.louisvillecharter.org
- ◆ Environmental Health News, source for timely, credible news concerning chemicals and public health. <http://www.environmentalhealthnews.org>