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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  
**Faculty:** Daryl Ditz, Ph.D.  
**Institution:** Center for International Environmental Law  
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)**

**Daryl Ditz, Ph.D.**  
**Senior Policy Advisor, Chemicals**  
**Center for International Environmental Law**  
**Washington, DC**

# Preview

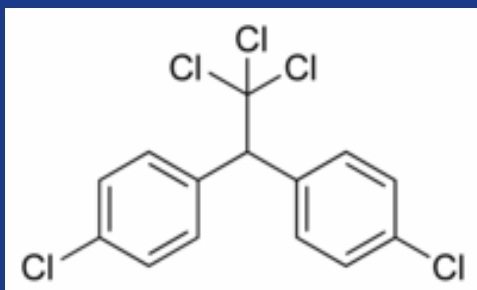
- ◆ **The POPs Problem**
- ◆ **US Federal Law on POPs**
- ◆ **The Global POPs Treaty**
- ◆ **Advocacy on US Ratification**

# POPs Characteristics

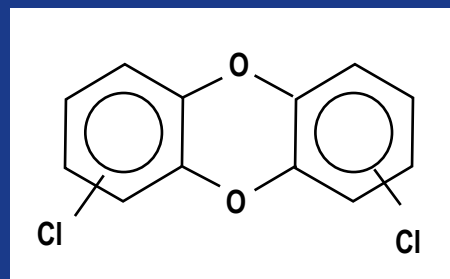
<b>Persistent</b>	<b><math>t_{1/2} \sim</math> months to years</b>
<b>Bioaccumulative</b>	<b><math>C_{\text{Body}} &gt; 5000x C_{\text{Aqueous}}</math></b>
<b>Toxic</b>	<b>Carcinogenic, Mutagenic, Repro Toxic, etc.</b>

# Some Familiar POPs

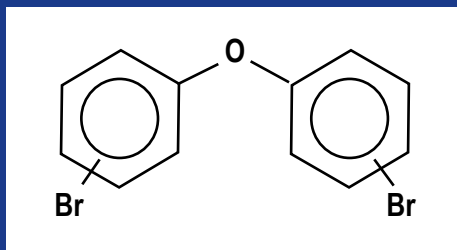
## DDT: insecticide



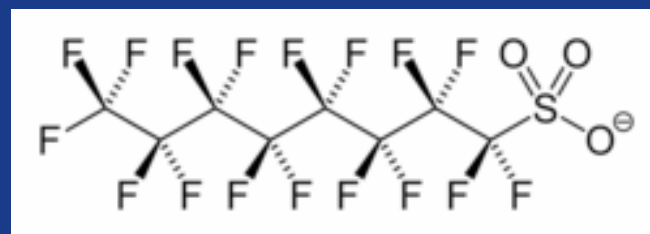
## Dioxin: by-product



## 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 from left to right across a dark, rocky shoreline. The bear's fur is white and appears slightly matted. The background is a blurred, hazy landscape with some snow or ice patches under a bright 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\*

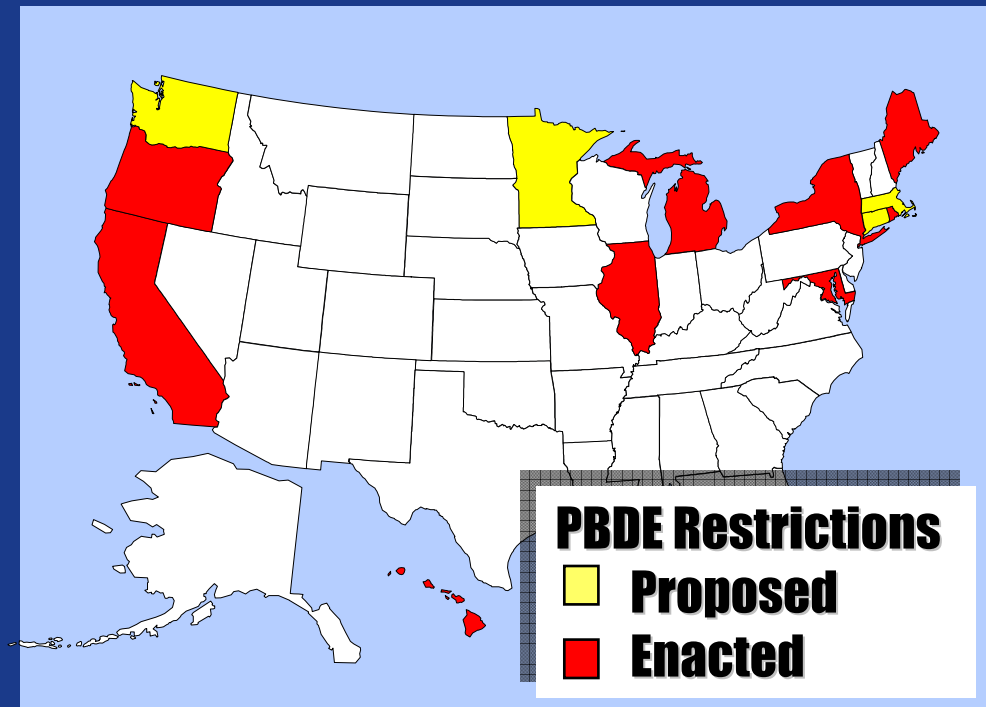
**[US Govt. Acct. Office, 2005]**

# **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**

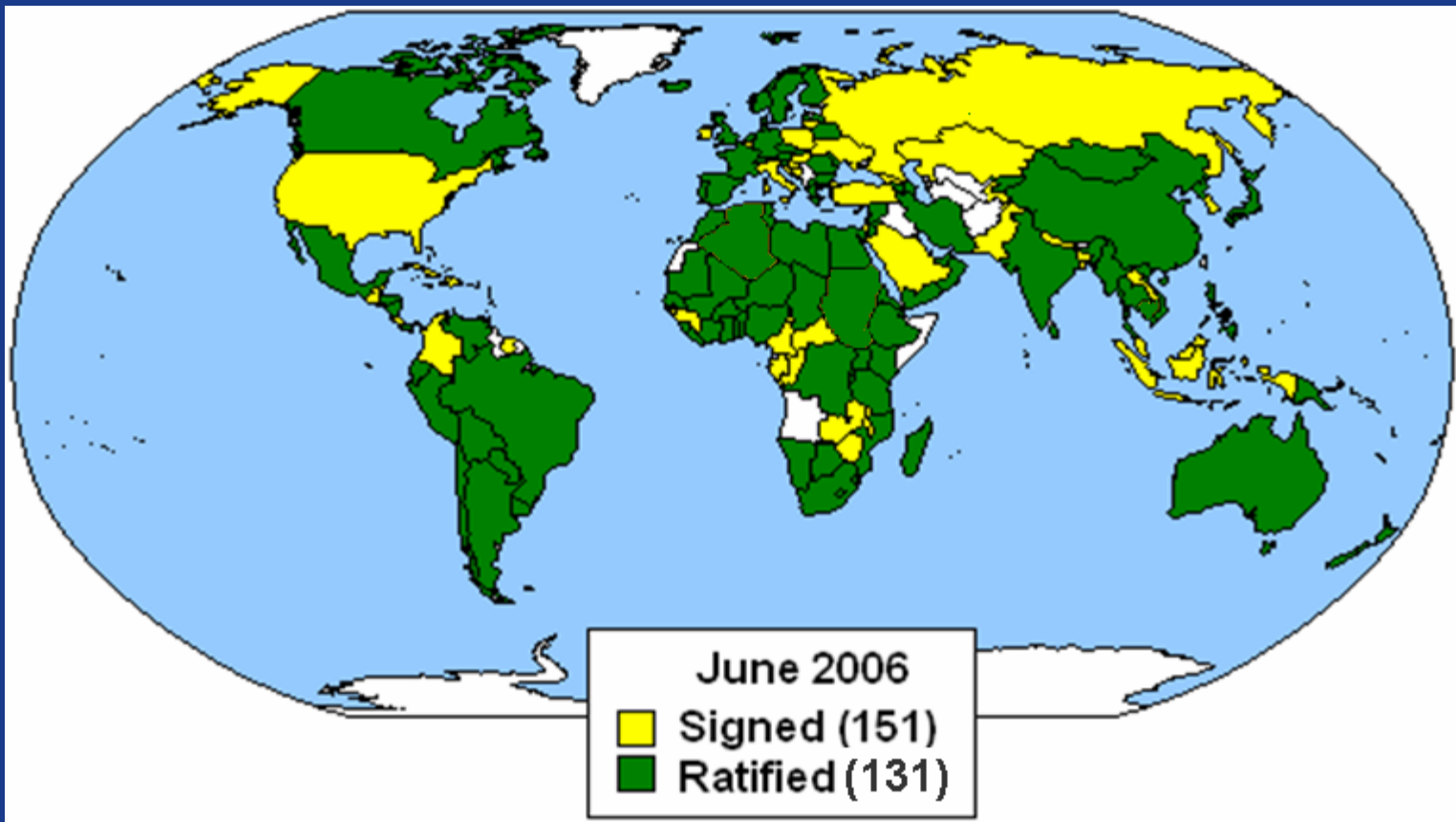
**“We’ve taken a precautionary approach, meaning that where there is credible evidence that a material may result in environmental or public health harm, we strive to replace it with safer alternatives.”**

***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.”**

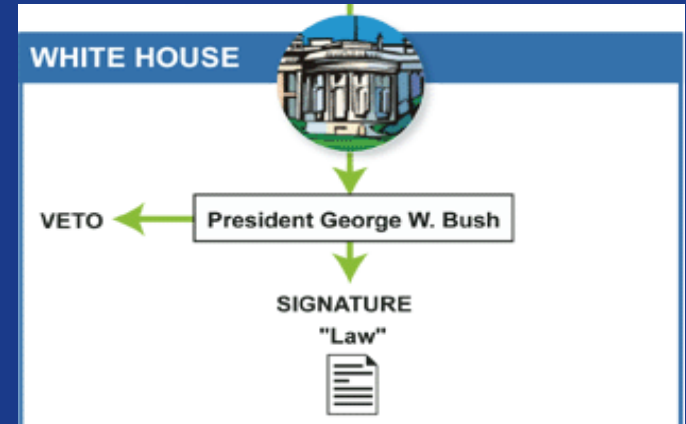
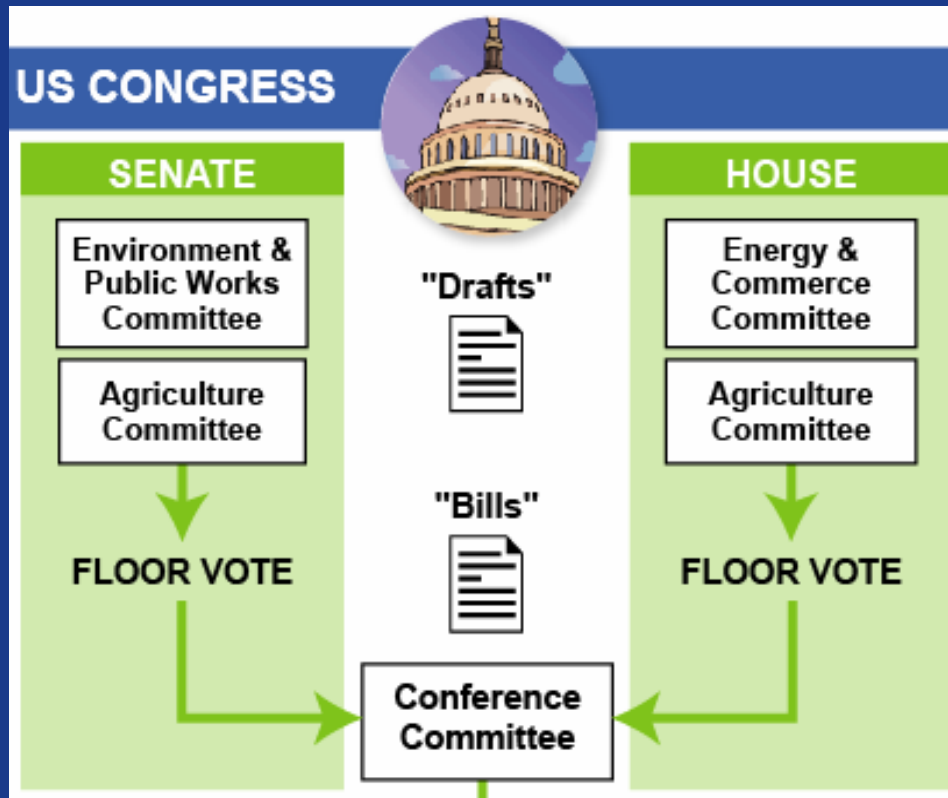
*President George W. Bush*  
*April 19, 2001*

# **US Ratification of the POPs Treaty**

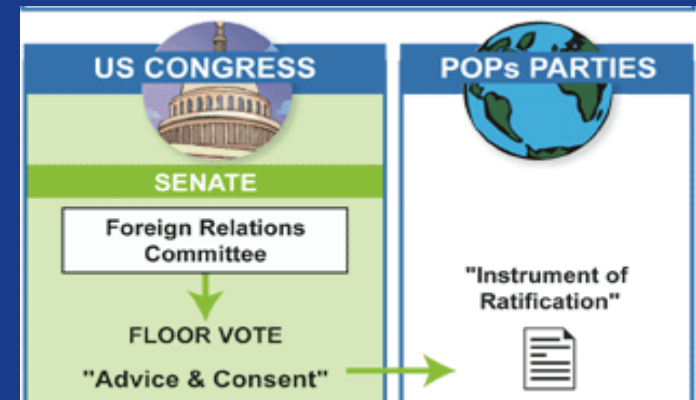
- ◆ **US Signed the Stockholm POPs Treaty in 2001, under President Bush**
- ◆ **Senate must give “Advice and Consent”**
- ◆ **But first, Congress must Amend TSCA and FIFRA so the US can meet its Commitments**
- ◆ **Then the US can Become a “Party” to this International Agreement**

# Roadmap for POPs Ratification

## Implementing Legislation



## Ratification



# Two Approaches for Regulating POPs

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

# **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  
ratificati

# **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**

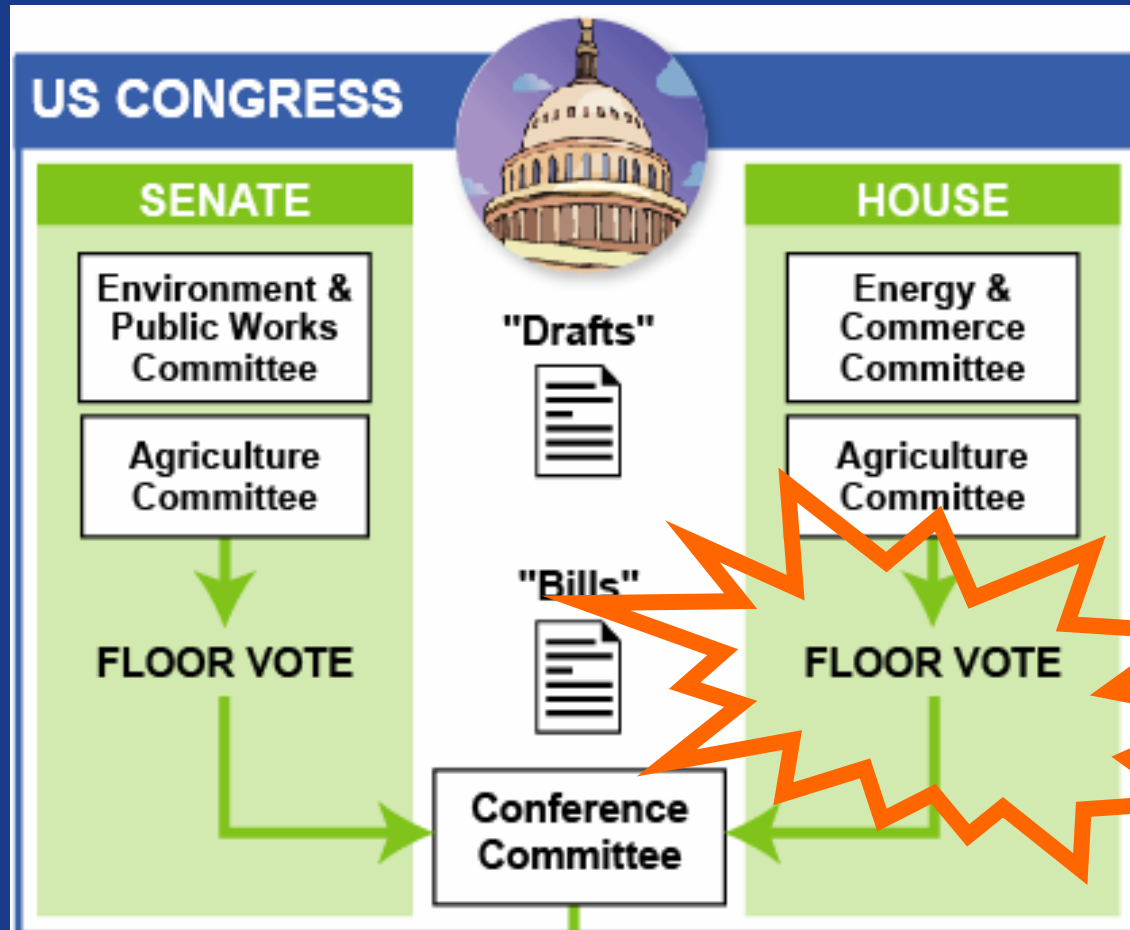
**Other Bills were Introduced in the House and Senate to Amend FIFRA:**

- ◆ **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* **LOUISVILLE**  
**CHARTER**  
FOR SAFER CHEMICALS

*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. — Senator James Jeffords, I-VT*

Home About the Charter The Charter Endorsements Press What's New

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

- Shifting markets to safe products and so chemicals will require policy changes. It's time to examine a rule, and leaving a safe environment is a major reform of our nation's chemicals policy. Any reform must
- Require full disclosure and labeling
- Require a ban on persistent, bioaccumulative, and highly toxic chemicals
- Require full disclosure of the full lifecycle of chemicals
- Require a ban on lead
- Require comprehensive safety data for all chemicals



# **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](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](http://www.louisvillecharter.org)
- ◆ Environmental Health News, source for timely, credible news concerning chemicals and public health. <http://www.environmentalhealthnews.org>