

STATEMENT OF

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BEFORE THE
UNITED STATES SENATE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

STRENGTHENING PUBLIC HEALTH PROTECTIONS BY ADDRESSING
TOXIC CHEMICAL THREATS HEARING

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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.