Testimony of Kathy Gerwig, Kaiser Permanente

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Business Perspectives on Reforming U.S. Chemical Safety Laws

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I would very much like to thank Chairman Lautenberg, Ranking Member Inhofe and Members of the Subcommittee for inviting me to testify before you today. My name is Kathy Gerwig. I am Vice President for Workplace Safety and Environmental Stewardship Officer for Kaiser Permanente, the nation's largest integrated health care delivery system. Our mission is to provide high-quality, affordable health care services and to improve the health of our members and the communities we serve. Our commitment to the issues the Subcommittee is exploring today is an important and integral part of this overall mission.

At Kaiser Permanente, we understand that healthy communities and a healthy environment are critical to the health and wellness of every person. We are dedicated to environmental sustainability because it has direct, positive effects on individual and community health. Since the organization was founded in 1945 we have worked to curb our overall impact on the environment by using safer chemicals, building greener hospitals, reducing waste, purchasing locally grown food, and using sustainable energy. Our aim is to provide health care in such a way that the production and use of chemicals are not harmful for humans or the environment.

We've taken a cautious approach to materials, meaning that where there is credible evidence that a material we're using may result in environmental or public health harm, we strive to replace it with safer alternatives. We believe that through our practices, we can help promote the creation and adoption of safer chemicals and sustainable materials in a way that supports a healthy economy, healthy environment, and healthy people.

Kaiser Permanente spends $14 billion annually on products and services. We lease or own more than 65 million square feet of real estate. During 2009 we opened three hospitals, one new hospital tower and 17 medical office buildings. Despite this leverage, we have experienced limitations in achieving our goal of using products and materials that are environmentally sustainable.

To address the lack of chemical safety information, our procurement and supply staff developed a supplier disclosure process that is used for major medical product purchases across our entire system. The disclosure is unique because we require information on a product-specific basis. The information to be disclosed includes whether the product contains heavy metals, halogenated flame retardants, polyvinyl chloride (PVC), diethylhexyl phthalate (DEHP), or ingredients contained on California's Proposition 65 list of chemicals that cause cancer or reproductive harm. We also ask for information on the suppliers' safer alternatives. The process requires comprehensive vendor education and aggressive demands for safety and ingredient information.

Many of the ingredients on the disclosure document are not present on the Occupational Safety and Health Administration's (OSHA's) required Material Safety Data Sheets due to trade secret caveats and the exemption of small concentrations from reporting even though the chemicals may cause harm in low doses.

Another challenge we face is that many products are labeled "green "or "environmentally friendly" for reasons that include reduced energy use, recycled content or reduced waste production. Some of these so-called "green" products are made from materials that are toxic or made from chemicals without adequate or any safety testing. A truly "green" product is one that is environmentally and biologically benign throughout its life cycle.

Exam gloves proved to be one of our successes. In the desire to move away from powdered latex and vinyl exam and surgical gloves, a decision was made to purchase gloves made of nitrile. Latex gloves present a problem for patients and staff with allergic reactions, and vinyl gloves create the byproduct of dioxin pollution in both manufacturing and disposal processes. Kaiser Permanente's decision to buy an alternative to vinyl gloves affected the entire medical glove industry because we use more than 50 million gloves each year. The change increased the national supply of nitrile gloves and eventually lowered the cost of nitrile gloves for all glove purchasers.

Kaiser Permanente was the first health system in the United States to contract for patient-controlled analgesia (PCA) sets that are totally free of polyvinyl chloride (PVC) and DEHP. This is significant because we purchase the equivalent of 18 miles of tubing annually. While the cost of this change reflected a savings over our prior contract, it would have been even less expensive to buy tubing that was made from PVC and DEHP. Balancing pricing with environmental and public health considerations is always a challenge.

To address chemicals found in fabrics, Kaiser Permanente created a Sustainable Fabric Alliance Program to embed environmental considerations into choosing fabric and fabric vendors. With a reduction of vendors in the Alliance program, the vendors obtain increased sales volumes, allowing KP to use sustainable fabrics at a savings. The considerable time and resources committed to this work was justified because there was no other way for us to ensure that our fabrics were free of chemicals of concern.

We also support safer chemicals through research. Our Division of Research conducted the first study to look at the effect of high levels of workplace exposure to Bisphenol-A, or BPA, on the male reproductive system in humans. This recent study, which appeared in the journal *Human Reproduction*, adds to the body of evidence questioning the safety of BPA, a chemical used in the production of polycarbonate plastics and epoxy resins found in baby bottles, plastic containers, the lining of cans used for food and beverages, and in dental sealants. Kaiser Permanente purchases baby bottles that are free of BPA, and we continue to push for safer alternatives to other products that contain BPA.

As we strive to advance an economy where the production and use of chemicals are not harmful for humans or the environment, Kaiser Permanente invests significant time and resources. That degree of investment is simply not feasible for most products and materials we buy, nor is it possible for most organizations that do not have the resources and skills that we have developed over decades. Mechanisms are needed to support downstream users in procuring the safest products and materials for our needs.

Mr. Chairman and distinguished members of the Committee, thank you again for the invitation to testify here today. I look forward to answering any questions you may have.