Testimony of Annette Gellert
U.S. Senate Committee on Environment and Public Works
on
"Oversight on EPA Toxic Chemical Policies"
Tuesday, April 29, 2008

Senator Barbara Boxer, Chairman
Senator James M. Inhofe, Ranking Member
Dirksen Senate Office Building, Washington, DC

Good morning, Chairman Boxer, Senator Inhofe, and other members of the committee. Thank you for this opportunity to testify on the need for better oversight of toxic chemicals in our country.

My name is Annette Gellert. I am a wife and the mother of three children. I run a charitable foundation and a family business with my husband, Fred.

I am the **founder of WELL Network**, which promotes green planning, a cooperative process between government, industry, and informed citizens to solve environmental health problems comprehensively.

I am also **chair of the board of Resource Renewal Institute,** whose Green Plan Center researches the most advanced environmental management strategies in the world.

I am going to talk about 3 things:

1) Concern for the health of future generations

2) Green planning and green chemistry

3) Hope for United States leadership on comprehensive chemicals policy

After a bill was introduced in the California legislature concerning bio-monitoring, I wanted to know what potentially toxic chemicals might be present in each of my family members. My husband, daughter, two sons, and I had our blood and urine tested in 2006 to determine exposure to 70 chemicals.

I was alarmed to learn that I had 36 of these chemicals in my body, and shocked that my 16 year-old daughter, Heather, had 34 chemicals in her body. Heather has been on the

planet for a lot shorter time than I have, yet she lives in a much more toxic environment.. Heather's exposure to man-made chemicals began with me. I passed on chemicals from my own body to hers through the placenta and in breast milk.

Of the chemicals that were found in our bodies, some have already been restricted in the European Union. These chemicals are suspected to be harmful to thyroid function and reproductive and neurological systems. They are found in the umbilical cord blood of newborn babies. [1]

I am worried about my family's health.. I am worried about my children's ability to have children without complications. I am worried about the health of their generation's offspring—our grandchildren. And I am not alone.

There is mounting evidence that numerous chemicals in our environment are contributing to illness. Some of them are known carcinogens. I am a cancer survivor and my husband is battling bladder cancer now. We, like millions of Americans, had no idea we were being exposed to chemicals that might have contributed to these conditions. We had and continue to have no choice in the matter.

When my kids needed medicine in school, I had to give written permission for them to get it. We do not have such protection when it comes to chemicals routinely used in millions of products and used by hundreds of millions of people.

New chemicals that have been introduced since 1981 when the Toxic Substance Control Act (TSCA) was implemented, are subject to rudimentary screening by EPA before they go on the market. But 90% of chemical substances produced and used today were grandfathered in, as of 1981. Many pre-TSCA chemicals come into contact with the human body daily—from fertilizers, to cookware, to cosmetics, to electronics, to cleaning agents, to food, to water in plastic bottles. These chemicals are in toys, baby bottles, teethers, plastic food containers, home furnishings, and building materials. We are exposed to chemical substances in every aspect of our environment and lives.

I share with every family in the country the concern of not knowing what is safe. The information we need is largely unavailable for the majority of products in the marketplace.

This is why I, representing WELL Network, am here today.

There are many women, in California and around the nation that are dedicating our collective efforts to bring a more integrated, transparent approach to managing chemical exposure in the United States. What is referred to as "green planning" is a long-term, multi-sector process of environmental management that relates to health, society, and economy. We recognize that it is only through cooperation and compromise among industry, government, and the public that we can start to solve the complex problems that threaten our family's and nation's health.

Our current system of protecting the public from toxic exposure is one of confrontation and litigation. A truly comprehensive policy for chemical safety is what we need to protect our nation's health.

We can do this, and better. American business leaders need to be given the incentives to change. That could happen soon in California, through California EPA's Green Chemistry Initiative, which offers promise of a new approach to chemicals policy that will protect public health and make the U.S. competitive and innovative in the design of safer chemicals and products. The Green Chemistry initiative was spurred by the 2008 University of California report to the California EPA, "Green Chemistry: Cornerstone to a Sustainable California," which was signed by more than 125 professors from throughout the UC system. In the report, and an earlier UC report on green chemistry commissioned by the California Legislature, research shows that we need to close the data gap, the safety gap, and the technology gap in the U.S. chemicals market—and we have the ability to do that now. [2]

Several nations have successfully undertaken a systematic assessment of chemicals to which we are routinely exposed, and which are suspected of causing damage to health and the environment. They are using green planning as a framework for protecting the environment and public health.

Most notably, the European Union has adopted the Regulation, Evaluation, and Authorization of Chemicals Act (REACH). REACH requires that 65,000 chemicals grandfathered into use in the EU—and in the U.S.—be submitted for the first time to an assessment of their toxicity. Other chemicals that are known endocrine disrupters, for instance, are being taken out of toys and cosmetics now, and out of circulation. This is a huge step toward public safety, as the EU represents 450 million people across 27 countries. [3]

It is chemical policies like REACH that are setting the terms for global markets in manufacturing, distribution, and market access—markets that are closing to American business because our products contain toxics restricted or banned elsewhere. Our chemical industries have to change to keep up, and need the incentives and oversight from government to do so.

Every report I've read, including those from the GAO, says that the Toxic Substance Control Act has fostered a weak chemical product regulatory system, despite the good intentions of its authors thirty years ago. It is weak because it doesn't give government the power to effectively regulate the potential hazards to our health. And TSCA does nothing to encourage innovation of alternatives by industry.

WELL Network members are not scientists or chemists. We are women in business, philanthropy, and civic engagement. Our concerns represent millions of other women who want to be responsible purchasers of the products our families use. Our awareness is high, but we can't memorize the relative toxicity of the tens of thousands of chemicals in the products we use. To make smart choices, we need our personal efforts to be matched

by an intelligent, functioning government agency that knows which chemicals are safe and which are not. And we need our government to have the authority to use sticks and carrots to keep the more dangerous chemicals off store shelves and out of our and our children's bodies.

The U.S. can do better. Through REACH and other directives, EU regulators are demanding disclosure on chemical substances by industry. Honoring propriety concerns while providing transparency and accountability, industry has already started to produce new, better, and safer chemicals.

In surveys conducted for the European Union on the actual effect of environmental policy compliance by companies, it was found that the higher costs anticipated were overly exaggerated. It was also found that these same environmental policies prompted hundreds of millions of euros in new green investments.[4]

The predicted dire consequences to the competitive position of EU companies in the world didn't happen either. Those same companies are not losing but increasing their competitive edge over American companies globally. We are greatly concerned that the U.S. is becoming the dumping ground for all the products that cannot be sold elsewhere in the world. We need to put the EPA in a credible position to decide what is or is not healthy for American citizens.

Finally, consider a future where legions of American women—women like me who buy these products for our children and families, and invest in these companies—decide we can't trust that the EPA has the authority to assure the safety of American products. In this future scenario, we will buy and invest in European products. Whether you agree, or industry agrees that those products are safer won't be relevant to our buying decisions. I don't want that second class future for my country, and neither do our leaders.

We can't do it overnight, but we have to begin.

We want the United States to set the standard for a healthy environment and a healthy nation. I owe that to my daughter and sons, and you owe it to your children and grandchildren as well.

Thank you.

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Background information on Ms. Gellert's affiliations:

WELL Network is a nonprofit, non-partisan organization. Our members include women who are business leaders, professionals, philanthropists, and decision-makers within their communities. We formed WELL Network in 2003 to bring attention to shortsighted and poorly coordinated policies that have enabled pollution, toxic chemicals, and global warming to put the health of our families at risk.

Through symposia, workshops, and publications we have been educating and mobilizing our friends, associates, and political leaders about solutions to serious health and environmental problems. These include the presence of potentially harmful chemicals in our bodies from everyday products, the impacts of air pollution on our families' health, and the immense challenges of climate change to our children and grandchildren. For information please visit. http://www.wellnetwork.org To restore California's environmental health, we offer support and comprehensive solutions to business leaders and policymakers. We are expanding our network of informed, effective, and engaged women to move these goals forward.

The **Resource Renewal Institute** (RRI) facilitates the creation, development, and implementation of practical strategies to solve the entire complex environmental problem by addressing it comprehensively. RRI is an incubator of transformational ideas designed to challenge and change the piecemeal way our resources are currently managed and protected. RRI advocates for implementing long-term policies and action plans, such as green planning, which will guarantee the health of the planet and a high quality of life in the future.

Green planning is sustainability in action. Countries around the world are proving that environmental sustainability and economic vitality are not mutually exclusive. Through a shared vision and cooperative effort among all sectors of society, these nations are demonstrating that a healthy environment, enhanced quality of life, and a vibrant economy not only can exist, they must coexist to remain viable over time. Information on green planning can be found at http://www.rri.org.

References

1. Environmental Working Group. "Body Burden: the Pollution in People." http://www.ewg.org/reports/bodyburden

2. Michael P. Wilson, Ph.D., and Megan R. Schwarzman, MD, Ph.D., School of Public Health, UC Berkeley. "Green Chemistry: Cornerstone to a Sustainable California," (UC Centers for Occupational and Environmental Health. http://coeh.berkeley.edu/greenchemistry.htm

3. Mark Schapiro. *Exposed: The Toxic Chemistry of Everyday Products and What's at Stake for American Power."* (Vermont: Chelsea Green Publishing Company, 2007).

4. "Sectoral Costs of Environmental Policy" final report, European Commission, Directorate General Environment, VITO, December 2007