

Boxer Opening Statement: "Oversight on EPA Toxic Chemical Policies"

April 29, 2008

(Remarks as prepared for delivery)

Today we will hear about the risks that toxic chemicals pose to our families and communities. Most at risk are children, pregnant women the elderly and those who are ill.

We will also hear some disturbing news about the White House and the Bush Administration's efforts to corrupt EPA's toxic chemical risk assessment process. By placing politics before science, the Bush Administration is putting the public in harms way. This according to the GAO and EPA scientists.

A close look at the EPA's toxic chemical policies makes clear that improvement is necessary if we are to ensure that dangerous chemicals are properly regulated.

EPA regulates toxic chemicals in the environment under several laws. The overall toxic chemicals law, the Toxic Substances Control Act, or "TSCA," was adopted in 1976 and was supposed to help assure that toxic chemicals would be restricted or banned if they were hazardous. But in essence, TSCA puts the burden on the government to prove a toxic chemical is a risk.

That is unlike the European program, called REACH. REACH puts the burden on the chemical industry -- where it should be -- to show that their chemicals are safe.

In implementing TSCA and other laws like the Clean Air Act, the Safe Drinking Water Act and Superfund, EPA relies on risk assessments, which evaluate how toxic a chemical is, and to what extent people are exposed to it.

In 1985, EPA developed a system called the "Integrated Risk Information System," or IRIS, which establishes "safe levels" for toxic chemicals. The levels set in IRIS are used as the scientific foundation for most EPA regulatory programs, and for many state programs, to establish health standards for air and water pollution, waste cleanup, and other programs. For example, the levels set for arsenic in our water, and benzene in our air went through the IRIS system.

Early in the Bush Administration, the White House insisted on changes in how EPA does risk assessments that brought OMB and other agencies more directly into the process.

Soon after EPA Administrator Stephen Johnson took over the agency in May 2005, he made changing IRIS and risk assessment a priority.

The GAO report I am releasing today criticizes the Bush Administration changes to the risk assessment process and makes clear the danger faced by the public when political interference and the influence of polluters affects EPA's ability to address the risks of toxic chemicals.

Under EPA's new approach politics can be-and already has been-injected into multiple stages in the process.

Even worse, the new procedure effectively requires the White House the Department of Defense (DOD) - which contracts out much of its weapons programs -- to agree with EPA on any risk assessment before it goes forward and is made public. The entire process of White House and interagency debate is kept secret, which GAO and EPA scientists say undermines the credibility of EPA's scientific assessments.

That is because EPA scientists are being pushed aside by White House operatives and polluters.

According to GAO, the EPA's flawed risk assessment process essentially derailed the risk assessment for TCE, a solvent that is the most common organic groundwater contaminant in the United States, and which causes cancer, including childhood cancer, and birth defects.

EPA's assessment for naphthalene, a component of jet fuel that the National Toxicology Program has found "can reasonably be anticipated to be a human carcinogen," has also been derailed. Naphthalene contaminates at least 654 Superfund National Priority List sites and many DOD facilities. GAO found that "DOD could face extensive cleanup costs" if naphthalene is more strictly controlled.

Similarly, GAO found extraordinary delays in the risk assessment process for formaldehyde, a chemical in plywood and many consumer products that has been linked to leukemia and other cancers.

An EPA scientist with extensive knowledge of this program told our Committee staff that the Bush Administration's risk assessment process could have a "significant impact on public health by delaying decisions," so exposures can "continue unabated" to "carcinogens, chemicals that cause birth defects and developmental effects, neurotoxic effects, [so] a lot of people are affected."

This scientist also reported to us that "de facto, EPA can't go forward" without White House, DOD, and other agency signoff. The process has, according to this knowledgeable expert, put the scientists aside, and been "taken over by the White House."

EPA's mission is to protect public health and our environment. Politics must not play a role when it comes to protecting our families. But as GAO has found, the "series of delays has limited EPA's ability to conduct its mission."

The role of independent scientists at EPA must be restored, so that EPA can carry out its mission without secret interference.

We also must strengthen our toxics laws to ensure that chemical companies are responsible for proving that their products are safe for everyone-including pregnant women, children, the elderly, and others who are most vulnerable to toxic chemicals.

I look forward to hearing from our witnesses today on this critical topic.