



# PROPOSED IMMEDIATE PRIORITY ACTIONS ON ENVIRONMENTAL HEALTH AND TOXIC CHEMICAL ISSUES

With Input from Leading Environmental, Children's Health, Academic,  
And Environmental Justice Group Experts  
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This paper is an effort to distill the multiplicity of recommendations made to the incoming Obama Administration on environmental health issues down to: (1) a limited number of top priority actions that enjoy broad support in the non-profit and academic environmental health community, and that could be undertaken immediately without rulemaking or statutory changes; (2) a few of the most important actions that would require regulatory changes or resource increases, are cross-cutting, and are most important to start immediately (other longer-term priority actions and any legislative recommendations are beyond the scope of this paper and will not be discussed); and, (3) a small number of highly qualified individuals who should be considered for positions in the federal government in the environmental health area. The following summary addresses these issues.

## I. Top Priority Environmental Health & Toxics Actions to Take Without Rulemaking or Legislation

1. **Strengthen and Revive the Children's Health Executive Order (E.O. 13045).** This 1997 Clinton Executive Order has withered to a shadow of its former self in recent years. The Obama Administration should:
  - a. Revive the Interagency Task Force on Environmental Health and Safety Risks to Children;
  - b. Require each agency to develop and implement an agenda to protect children from top priority contaminants such as lead, mercury, perchlorate, particulate matter, ozone, pesticides, phthalates, and bisphenol-A;
  - c. Prohibit the discounting of the future value of the lives of, or harm to children or others in conducting regulatory analyses, based on age or time of death or injury;
  - d. Overhaul risk assessment policies to ensure that additional safety factors, data collection requirements, cumulative, reproductive, endocrine, and developmental risks, and other special considerations for children and vulnerable populations are incorporated into all regulatory assessments;
  - e. Establish an Interagency Healthy Schools Task Force to recommend and implement a national strategy to ensure safe school siting, and to create green jobs by building and renovating schools with non-toxic building materials, energy efficient design, and effective implementation of the Healthy High Performance Schools Act and the Healthy High Performance Schools provisions in the Energy Independence and Security Act of 2007;
  - f. Establish a cross-NIH Task Force, including outside children's health experts and community-based organizations, to evaluate and fill data gaps on children's environmental health.
2. **Revitalize EPA's Office of Children's Health Protection (OCHP).** The Administration should:
  - a. Expand funding and staff, and provide additional specific authority to identify agency priorities and to sign off on major rules, and reinvigorate OCHP;
  - b. Empower the Children's Health Protection Advisory Committee by requiring its active participation in reviewing agency priorities and developing important EPA rules, modeled after the previous active role of the Clean Air Science Advisory Committee in setting air standards.



3. **Update and Reinvigorate the Environmental Justice Executive Order (E.O. 12898).** This 1994 Clinton Executive Order should be revised and vigorously implemented in order to:
  - a. Strengthen and empower the National Environmental Justice Advisory Committee;
  - b. Require in-depth and meaningful analyses of the environmental justice impacts of major rules;
  - c. Require agencies to evaluate and take specific steps to address environmental injustices;
  - d. Require that agencies develop a report card, for the President's review, on the status of their progress over the last 15 years toward developing an environmental justice strategy, and evaluate the effectiveness of their strategies. These report cards should be subject to notice and comment from environmental justice organizations, experts, and the public;
  - e. Clarify key terms in the Executive Order to eliminate problems caused by EPA's recent reinterpretation of "environmental justice communities," "subsistence," and other terms;
  - f. Require vigorous investigation and enforcement of Title VI claims;
  - g. Establish an Office of Healthy Communities at HHS to coordinate federal strategies for reducing health disparities;
  - h. Establish an interagency working group on climate change impacts on the health and well-being of minorities and vulnerable populations.
  
4. **Establish a White House Interagency Healthy Green Communities & Green Jobs Task Force.** This Task Force, which should include EPA, DOT, DOE, HUD, DOL, Commerce, USDA, and elements of HHS including CDC and NIH, and should be tasked with developing a federal strategy to encourage environmental protection, primary prevention of disease, sustainable economic revitalization, and green jobs by reconstituting federal programs to support livable, walkable, healthy, transit-accessible infrastructure and communities. The agenda should be to support innovations yielding green jobs and healthy communities through investments in low carbon footprints; cleaner air; green space; a built environment using healthy green building principles to achieve energy, water, and resource conservation and human health goals; and economic revitalization drawing on green chemistry, engineering, and design. Approaches to ensure that environmental justice principles guide federal decisions, and that fresh produce is made available to low-income communities and schools should be included. The Task Force's strategy should be implemented through stimulus legislation, in implementing and updating the SAFETEA-LU transportation law, the Clean Water and Safe Drinking Water SRF programs, HUD community development programs, Energy Independence and Security Act green buildings programs, and other federal programs supporting infrastructure, schools, or community development. The Task Force should establish a Healthy Green Communities and Green Jobs advisory committee of experts and community activists to seek input and guidance.
  
5. **Announce the Need for an Overhaul of Toxic Chemical Regulatory Policies, and Establish a High-Level Task Force Chaired by the EPA Administrator to Make Legislative, Regulatory, and Policy Recommendations.** The Task Force should be given a deadline to develop a plan for how the toxics regulatory system should be revised to: place the burden of proof on chemical companies to show their products are safe; set a strong safety standard that protects children and vulnerable populations; address abuses of confidential business information claims; ensure that safety data gaps are filled; assure that there is complete transparency and even-handed access to information and comment opportunities; address financial conflict of interest problems with scientific advisors and peer reviewers; encourage the use of green chemistry; and address other longstanding problems with the nation's toxic chemical regulatory programs.



6. **Revoke the New Integrated Risk Information System (IRIS) Procedures, Which Institutionalize Secretive Political Interference in Scientific Decisions on Toxic Chemicals.** In April 2008, under substantial pressure from the White House, EPA institutionalized a secretive, politically-influenced process for developing risk assessments for toxic chemicals under the IRIS program, which sets risk numbers used across EPA and often by other federal, state, and even international agencies in establishing regulations. A 2008 GAO report was highly critical of this “black box” process that ensures that science is often trumped by politics and that assessments are delayed. The April 2008 policy should be rescinded, and replaced with a strengthened version of previous practices, requiring EPA to expeditiously set its own science-based levels, to solicit comment from the public and other agencies in the open. The White House and federal agencies with conflicts of interest should not have the authority or ability to slow or stop progress on these crucially important assessments.
7. **Restore the United States’ Leadership On International Toxics and Pollution Control.** The U.S. should reassume the mantle of leadership on toxic pollutants by supporting a binding treaty on global mercury reduction, and supporting the strengthening and vigorous implementation of other international treaties on toxic chemicals such the Stockholm Convention on Persistent Organic Pollutants, the Rotterdam Convention on Prior Informed Consent, and the Basel Convention on the International Transport of Hazardous Waste (and the Ban Amendment to that Convention).
8. **Establish a White House Interagency Green Chemistry Task Force.** This interagency body should be chaired by OSTP and CEQ, and should develop a government-wide plan for rebuilding the nation’s “molecular infrastructure” for green job creation, encouraging research, development, and use of green chemistry by the government and in the private sector. As part of this effort, the Presidential Green Chemistry Challenge Awards, founded by President Clinton in 1996, should be elevated from an EPA-only program, and winners should earn high-profile recognition from the White House.
9. **Strengthen Conflict of Interest and Scientific Integrity Requirements.** Individuals employed or funded by an industry with an interest in the resolution of a scientific issue should not sit on an advisory or peer review committee reviewing that issue. In addition, the Obama administration should repudiate statements that agencies evaluating the safety of chemicals will consider only industry-funded studies using so-called “Good Laboratory Practices,” rather than academic or government-supported studies published in the literature or peer reviewed (as recently occurred with FDA’s review of bisphenol-A).
10. **Strengthen Protection of Children from Toxic Pesticides.** EPA should accept a voluntary remand of the human testing rule for pesticides, which undercuts protections for children from toxic pesticides. The agency also should vigorously implement the long-overdue endocrine disruptor screening and testing program, finalize the proposed ban on carbofuran, and move forward with action on the pending petitions to cancel several high-risk pesticides that are persistent and bioaccumulative or that otherwise pose especially high risks to children, workers, and endangered species.



## **II. Top Priority Environmental Health & Toxics Regulatory Actions to Start as Soon as Possible**

1. **Protect the Public from Rocket Fuel in Tap Water.** The toxic rocket fuel component perchlorate interferes with human hormone systems, threatens development in fetuses and children, and is found in tens of millions of Americans' drinking water supplies. EPA should immediately reinstitute the requirement for public water systems to monitor for perchlorate in tap water, a rule EPA rescinded in 2007, and should immediately begin the process of setting a drinking water standard for perchlorate to protect pregnant women, infants, children, and other vulnerable populations.
2. **Reverse EPA Rollbacks of Right-to-Know Requirements.** In 2006, EPA weakened reporting requirements for chemical releases reported to the public under the Toxics Release Inventory program. This rule should be overturned and the previous reporting thresholds should be restored. Additionally, the rule exempting hazardous substances in livestock waste from right-to-know requirements of should be reversed.
3. **Swiftly Update and Strengthen Risk Assessments and Rules for Formaldehyde, Bisphenol-A, Phthalates (including Dibutyl Phthalate), and Trichloroethylene (TCE),** in a manner protective of children and vulnerable populations, using the most recent and best available science including published and other peer-reviewed scientific literature by academic and government scientists. Rules for formaldehyde in trailers and plywood should be strengthened, strong TCE drinking water and vapor intrusion/indoor air standards should be established, and bisphenol-A should be banned in baby bottles, can liners, and other hazardous uses.
4. **CPSC Should Declare that all toys sold after February 10, 2009, must be free of banned phthalates, as required by the Consumer Product Safety Improvement Act of 2008.** The November 2008 opinion by the CPSC General Counsel declaring that it is legal to continuing selling phthalate-contaminated toys after February 10, 2009 if they were manufactured before that date (a view which was not ratified by the Commission), should be rejected as directly contrary to the clear language of CPSIA section 108(a) & (b)(1).
5. **Restore and Expand Monitoring for Toxic Air Emissions Including Lead, Air Toxins near Schools, USGS Water Pollutant Monitoring Programs,** and other crucial environmental monitoring programs essential to understanding and intelligently addressing environmental hazards.
6. **Strengthen Hazardous Waste Rules** by revoking the recent EPA rule restricting the definition of solid waste to exempt many toxic wastes, and by developing rules for coal combustion waste.
7. **Ensure that Potential Nanotechnology Risks are Addressed by Establishing Data Reporting Requirements, and Developing a Longer-Term Regulatory Framework for Nanotech and other Emerging Technologies.** EPA should establish strong rules and guidelines for testing and data reporting, as well as effective regulation of nanotechnology and other new and emerging technologies. The agency should establish a Task Force, in consultation with the Office of Science and Technology Policy, the National Academy of Sciences, the Presidential Green Chemistry Task Force, other experts, public interest groups, and the public to develop a regulatory framework that ensures that the public and environment are fully protected, while recognizing and as appropriate advancing the promise of emerging technologies such as nanotechnology.



### **III. Top Priority Environmental Health Programs Hampered by Past Inattention & Constraints**

The following key programs have been seriously hampered by resource constraints, and restoring their effectiveness should be a top priority for the new administration:

1. **EPA Office of Children's Health Protection**, which has been harmed by budget and staffing reductions, the consolidation of other programs into the office, and a lack of leadership.
2. **Children's health research**, particularly including the National Children's Study (National Institute of Child Health and Human Development), the Centers for Children's Environmental Health and Disease Prevention (EPA and NIEHS), and under EPA's STAR and EPA lab research programs.
3. **EPA's Enforcement Programs, including the Office of Environmental Justice.**
4. **EPA's community assistance programs**, including Superfund and Environmental Justice community assistance programs, such as the Community Action for a Renewed Environment (CARE) program, a competitive grant program that offers communities an innovative way to address the risks from multiple sources of toxic pollution in their environment.
5. **Superfund, RCRA, and Underground Storage Tank** toxic prevention and cleanup programs, which have been slowed down and hampered by reduced budgets.
6. **Drinking Water Systems (State Revolving Fund), Research, and Standard Setting**, a program hampered by resource shortages and a lack of Administration political support in recent years.
7. **Endocrine Disruptor testing and research**, a program that was supposed to have a screening and testing program for pesticides and other high priority chemicals implemented by 1999, but has not yet established the battery of tests that will be required, or run a single chemical through the testing regime.
8. **Green Jobs Programs, including the Green Jobs Act** (DOL, Energy Independence and Security Act, EISA, Title X), authorized at \$125 million per year, the **Energy Efficiency and Conservation Block Grant Program (DOE)**, authorized at \$2 billion per year, and the **EPA Demonstration Grant Program for Local Governments** (EISA section 493), authorized at \$20 million per year.
9. **NIEHS community-based participatory research** on environmental hazards.
10. **Grant programs authorized in the Healthy & High Performance Schools Act** (No Child Left Behind) and the **Healthy High Performance Schools sections of the High Performance Green Buildings Act** (Energy Independence and Security Act of 2007).
11. **Urgent health and safety repairs to public schools**, led by EPA and advised by CDC and the Department of Education.
12. **CDC's National Environmental Health Public Tracking Program**, including biomonitoring.
13. **Environmental Justice & health disparities programs** at EPA and HHS, including CDC funding for climate justice & minority impacts, and NOAA research on climate change impacts on minorities.



### HIGHLY QUALIFIED INDIVIDUALS FOR CONSIDERATION FOR ENVIRONMENTAL HEALTH AND TOXICS POSITIONS

*Note: Some of these individuals have not agreed to serve in the incoming Administration; they are listed based upon their expertise, experience, and professional qualifications*

Name and Current and Former Positions	Areas of Expertise/Appropriate Positions
[REDACTED]	[REDACTED]

