Testimony of
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on
Revisiting the Toxic Substances Control Act of 1976
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Chairman Rush, Ranking Member Radanovich and members of the Committee, thank you for the opportunity to testify this morning on the important issue of chemical safety. My name is Mike Wright; I'm the Director of Health, Safety and Environment for the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union – USW for short. We represent 850,000 workers in the sectors I just mentioned and many others, including the majority of unionized workers in the chemical industry and hundreds of thousands of workers who use industrial chemicals on the job.

A little about my own background: I have an engineering degree from Cornell and a degree in Environmental Health Sciences from the Harvard School of Public Health. I joined the USW's safety and health staff in 1977. I've also served as a member of federal National Advisory Committee on Occupational Safety and Health; the Program Advisory Committee of the International Program on Chemical Safety, which is a collaborative effort of several United Nations agencies; and on the industry side, the Public Advisory Panel for the Responsible Care Program of the American Chemistry Council. I was the leader and chief negotiator for the Workers Group in the tripartite negotiations that led to the International Convention on Safety in the Use of Chemicals at Work, which is binding international law on those countries which have ratified it (not including, I'm sorry to say, the United States). Most recently, I was a member of the Steering Committee and several subcommittees of the international group which wrote the Globally Harmonized System of Classification and Labeling of Chemicals.

But the mission which affected me the most, and which haunts me to this day, was as a member of an international team which traveled to Bhopal, India to investigate the December 1984 methyl isocyanate release from a

Union Carbide plant that took several thousand lives – no one knows the true number – in the first few hours, many more in subsequent weeks, and continues to claim victims even a quarter century later from the injuries suffered that night and perhaps from the chronic toxicity of the chemicals released. In my sleep I still see the faces of the parents whose children died, of the children left without parents; I can still hear the constant coughing of the victims who survived, but with most of their lungs burned away.

Two members of our team were from the United States. And one thing we quickly realized was that, had the Bhopal plant existed in the United States, none of the underlying causes of the accident – the lack of any risk assessment of the potential for harm under the conditions of use, the storage of large amounts of highly toxic chemicals, the inoperability or undersizing of safety systems – none of it would have violated any existing EPA or OSHA or any other regulation. That includes the Toxic Substances Control Act, although TSCA was then in force. Think about that for a moment: the Toxic Substances Control Act wouldn't have controlled the causes, much less prevented, the worst toxic substance accident in human history.

Of course, much has changed since then. We have the OSHA Process Safety Standard, the EPA Risk Management Program, the Toxic Release Inventory, the Chemical Safety Board, and in the private sector, industry's Responsible Care Program and a whole variety of citizen groups and labor organizations organizing for better chemical safety. But the basic chemical safety law in this country, TSCA – the cornerstone on which everything else rests – remains unchanged.

Let me turn to the impact of TSCA – or rather the lack of impact – in the workplace. I'm wearing a little lapel pin this morning. It's a tiny birdcage, with a canary. Thousands of our members and many of our supporters wear them. It symbolizes what workers have become in relation to toxic chemicals. Before the invention of modern testing equipment, miners used to bring canaries underground. If the bird died, you knew something in the air was toxic and you got out. Today, we are the canaries in those cages. Others may testify this morning about bisphenol-A, phthalates, or carbon nanotubes. All of them may pose serious risks to consumers and communities, but the first to be exposed, and usually the highest exposed, are the workers who produce them and incorporate them into products. Most epidemiology regarding toxic substances uses cohorts of workers – in other words, it's our bodies that get counted in these retrospective human experiments.

My colleagues and I in the USW's Health, Safety and Environment Department visit several hundred workplaces a year in all manner of industries. Sometimes it's a full-blown inspection or audit; sometimes it's an accident investigation; sometimes it's to help solve a specific safety or health problem. Collectively we have a lot of experience with chemicals and chemical hazards, so our members depend on us to say whether what they're working with is safe. But all too often, we don't have a clue. OSHA requires labels and written information sheets for workplace chemicals, but they frequently contain almost no useful information beyond acute toxicity – nothing at all about long-term effects, because those chemicals have never been tested.

I've often seen information sheets which say: "This product contains no hazardous ingredients as defined by the OSHA Hazard Communication Standard," and then goes on to say: "Avoid breathing vapors; use only with adequate ventilation; use appropriate personal protective equipment; if overexposed [and of course overexposure is never defined] seek immediate medical attention." That kind of mismatch makes people question whether they are really being protected from long-term chemical poisoning. And the simple answer is, we just don't know.

Too often we learn the consequences of that ignorance only by chance and only too late. Vinyl chloride was found to be a potent carcinogen only after a physician diagnosed two cases of a very rare cancer – angiosarcoma of the liver – in workers from a single plant. Had it been a more common cancer, the effect would have been overlooked. It took the lung cancer deaths of 54 workers in a plant making ion-exchange resins to identify bis-chloromethyl ether as a carcinogen. Dibromochloropropane (DBCP) is a pesticide now banned in the United States, although it regularly turns up in groundwater from past use. DBCP causes sterility in men. We first learned of that when a group of men in a California chemical plant realized that their inability to father children – which each of them thought was his problem alone – in fact afflicted all of them. Dimethylaminopropionitrile, a chemical formerly used as a catalyst in polyurethane plastics, causes severe bladder paralysis, a condition discovered in exposed workers shortly after the chemical was introduced.

The most recent example is diacetyl, the main component in artificial butter flavoring. When inhaled, diacetyl causes a rare lung disease called bronchiolitis obliterans – and it's as bad as it sounds, always devastating, sometimes fatal. In May 2000, eight workers in a microwave popcorn plant were diagnosed with the condition, and although it took some time, diacetyl was recognized as the cause. You would think that a food additive would

have been extensively tested before it was approved by the FDA. But it was never tested for toxicity by inhalation. Many additional workers have now contracted bronchiolitis obliterans, and we have seen at least one case in a consumer.

In fairness, let me say that the first two of my examples predated TSCA, but TSCA would not have made any difference. The other three came after TSCA was in place, and TSCA provided no help. And these are only the very small tip of a very large iceberg. The dangers of these chemicals were discovered only through unusual circumstances – rare medical conditions in three cases, an overwhelming number of deaths in one, a chance discussion by a group of workers in another. We have no idea how many more untested chemicals are causing unrecognized illness among workers and consumers.

Nor do we know the ultimate burden of occupational disease. Paul Schulte of the National Institute for Occupational Safety and Health, in a 2005 review of 38 studies, conservatively puts it at approximately 50,000 deaths a year, and at a cost of between $128 billion and $155 billion.[1] But since many of the studies Shulte relied on were of known causes, the true impact may be much higher. And unless we change how we evaluate new chemicals and other materials, that impact and the impact on consumers can only grow as new technologies, like nanotechnology and synthetic biology come into play.

In short, the way we now evaluate many potentially toxic chemicals is by counting bodies and measuring human misery long after those chemicals have been introduced. That has to change.

Let me turn for a moment to economics. Of course, the main reason for reforming TSCA is to protect human health, but there are also good economic reasons. There will be many who say that we can't afford to reform chemical policy, especially not in the current economic climate. But in truth, we can't afford not to. First, there is the economic burden of occupational disease and environmental disease I mentioned. It saps our productivity, destroys the earnings potential of families, increases health care costs.

Then there is the issue of competitiveness. Europe has adopted a strong new system known as REACH (Registration, Evaluation and Authorization of Chemicals) designed to assure that chemicals and products made with chemicals are safe to manufacture and use. Unless the United

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[1] Shulte, "Characterizing the Burden of Occupational Injury and Disease," *Journal of Occupational and Environmental Medicine*, Vol. 47, No. 6, pp. 607-622, 2005.

States follows suit, consumers will ultimately come to trust European products more than they trust American products. I believe it was the great consumer advocate Esther Peterson who said: "Made in USA should be a guarantee, not a warning."

Three weeks ago our union joined many other organizations in sponsoring a conference here in Washington called "Good Jobs – Green Jobs." Twenty-six hundred people attended, and we had to turn hundreds more away. The conference was dedicated to the idea that we can remake our economy to be far more environmentally sustainable while creating millions of good jobs in the process. Green chemistry will be an important part of that green economy.

I have great faith in the chemical industry. I actually believe all those Sunday morning commercials about the "human element" and the innovative potential of American chemistry. I believe we can produce chemical products that are safe to manufacture and safe to use. Thousands of our members work in the chemical industry. They want to make things that are safe for them, safe for their kids, and safe for the planet. They know that in the long run, their jobs depend on that as well.

The critical first step is the reform of our basic chemical safety law – the Toxic Substances Control Act. Mr. Chairman, you, your committee and this Congress can make that happen. We urge you to do so.

Thank you again for the opportunity to testify this morning.