



To: Interested Parties

From: Reproductive Health Technologies Project

Date: April 29, 2015

Re: Chemical Policy Reform Update

On April 28, 2015, the Senate Environment and Public Works Committee (EPW) marked up S.697 the “Frank R. Lautenberg Chemical Safety for the 21st Century Act.” Senators Merkley (D-OR), Whitehouse (D-RI), and Booker (D-NJ) negotiated a substitute version of the bill with Senators Udall and Vitter, the original sponsors, that was accepted by the Committee.

Senator Boxer’s alternative bill, S. 725, the “Alan Reinstein and Trevor Schaefer Toxic Chemical Protection Act,” is much stronger and more comprehensive but is unlikely to move forward in the current environment.

In addition, the House of Representatives offered a “Discussion Draft” earlier this month. The House Discussion Draft is better in some ways than the Senate substitute (notably on preemption) but deficient in others. It remains to be seen whether RHTP and our partners in the [Safer Chemicals Healthy Families](#) coalition will be able to support what ultimately emerges from the House.

While the Senate substitute version of S. 697 contains [several important improvements](#) to the bill, it still needs additional changes to sufficiently protect reproductive health. As a result, the Reproductive Health Technologies Project (RHTP) remains opposed to S. 697 unless the Senate makes additional improvements.

Continued Concerns

Our biggest concern remains state preemption. State laws have been an essential driver of chemical policy reform. We have made progress on limiting chemicals precisely because states have been allowed to tackle the problems. If that pressure is removed before EPA can demonstrate its capacity to review and regulate a sufficient number of chemicals, public health – and reproductive health in particular – will be harmed.

The new version of S. 697 endeavors to improve the preemption problem by shortening the period in which state action would be preempted. Even under the new version, however, the time during which a state could be preempted *prior* to federal action could last up to 4 1/2 years. There is a complicated waiver provision that purports to limit preemption but it can be challenged, and no doubt will be, resulting in lots of time and resources being spent trying to determine whether preemption applies instead of actually protecting women and families from harmful chemicals.

Why It Matters

When we think about threats to our reproductive and sexual health, we don't tend to think of our sofas, food containers, or lotion. Unfortunately, mounting scientific evidence indicates that the consumer products we use every day, as well as the air, soil, and water around us, contain chemicals that harm our reproductive health.

Chemicals in the environment have been linked to:

- Male and female infertility
- Reduced sperm count and quality
- Alterations in ovarian function and menstruation
- Endometriosis
- Altered fetal development
- Miscarriage and pre-term birth
- Altered prostate development, breast development, and puberty onset

Moreover, the harm caused by chemicals in our environment is not shared equally. Low-income communities and communities of color are much more likely than other groups to be directly exposed to harmful chemicals at work, at home, and through consumer products. Increased exposure to these chemicals puts these communities at greater risk for reproductive health problems. Compounding the problem, communities of color and low-income communities are less likely to have access to health insurance or quality, affordable care to prevent and address health issues. For this reason, comprehensive chemical policy reform is critically important. However, in the absence of comprehensive federal reform, states must be free to lead the way to better health by reducing harmful exposure to toxic chemicals and addressing the systems that create disproportionate impacts on vulnerable communities.

If you have any questions, please contact Amber Melvin, amelvin@rhtp.org, 202-530-4401.