March 23, 2021

Honorable Michael Regan
Administrator
US Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20460

Dear Administrator Regan:

Congratulations on your confirmation as EPA Administrator. As non-profit organizations committed to protecting at risk communities from unsafe chemicals, we look forward to seeing you put public health, science, and equity at the center of EPA’s mission.

Chemical pollution remains an urgent concern for Americans and a vital unfinished task for our regulators and public officials. Hundreds of chemicals in our products, homes, environment and workplaces have been shown to cause cancer, birth defects, neurological disorders, compromised immune systems and other serious diseases. Our progress in addressing these threats has been slow and disappointing. As you know from your work leading the North Carolina Department of Environmental Quality, Per- and Polyfluoroalkyl Substances (PFAS) are pervasive in human blood, drinking water and products, yet EPA has failed to mount a serious effort to address this growing crisis. The same is true of many other dangerous chemicals that remain uncontrolled despite mounting evidence of their harm to vulnerable and highly exposed segments of our population.

In 2016, after a decades-long campaign, Congress strengthened the Toxic Substances Control Act (TSCA), the nation’s primary chemical safety law, in the face of EPA’s long-standing failure to meaningfully address chemical pollution. The new law gave EPA more powerful tools with which to prioritize, test, evaluate and reduce exposure to chemicals of high concern, and the obligation to implement the law to truly protect public health, with a focus on vulnerable populations.

However, in the hands of the Trump Administration, EPA has failed to use these tools effectively and public health protection has not advanced. EPA risk evaluations have been weak and incomplete, and roundly and repeatedly criticized by the Agency’s own science advisory panel; proposals to ban
hazardous uses of three harmful and widely distributed chemicals (methylene chloride, n-methylpyrrolidone and trichloroethylene) have been delayed and withdrawn; chemicals have not been tested for their health effects; and the enhanced review process for new chemicals mandated by Congress has been weakened beyond recognition.

EPA has not only violated TSCA’s requirement to protect the most exposed and susceptible communities from toxic chemicals, but it has excluded front-line communities entirely from its risk evaluations, perpetuating historic patterns of environmental injustice and racism. In addition, the science policies adopted (or attempted) by the previous administration – including barring research grant recipients from serving on SAB panels, attempts to thwart the use of both epidemiological and animal studies, and the use of a systematic review method recently rejected by the National Academy of Sciences – all sought to put in place approaches that would fundamentally and permanently undermine public health, and impair the ability of the Agency’s science staff to do their jobs. This retreat from the goals of the new law and attempts to undermine the fundamental core of the Agency have been accompanied by privileged access to industry lobbyists, unresponsiveness to public interest advocates and blatant political interference in the work of career EPA scientists.

We call on you to send a clear and unmistakable signal that “business as usual” in the TSCA program will no longer be tolerated. It is time to put public health protection and environmental justice front and center in carrying out the 2016 TSCA amendments. This requires a commitment to use EPA’s expanded authorities to the maximum extent to identify, evaluate and eliminate the risks of chemicals and prevent harm to health and the environment.

Our groups have devoted considerable thought to how best to strengthen the TSCA program and have made numerous recommendations to your staff. We look forward to working closely with you and your team to move TSCA in a new direction that reflects the primacy of public health and environmental justice to which you and President Biden are committed.

Sincerely,

Louis Allen, MPH, MD, FAAP

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