Washington Persistent Bioaccumulative Toxic (PBT) Chemicals Phase-out Policy

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So what is a woman like me from Breast Cancer Fund doing here, talking about state toxic precautionary policies?

I am a native and current resident of Washington State. I am a woman who has had breast cancer. My role with Breast Cancer Fund is to educate and mobilize citizens, governments, businesses, to identify and eliminate environmental causes of breast cancer. And I am proud to be here with all of you in our collective role as "environmental health advocate".

Washington State has the highest rate of breast cancer in all 50 states, 18% higher than the national rate. The Puget Sound Region ranks highest in breast cancer among all population centers inventoried by the Center for Disease Control and tops the national average in every other major cancer except colon.

Breast cancer rates have more than tripled in the last 50 years. In the 1940's rates were 1:22. Today it is 1:7. 10% of this epidemic is attributed to genetics. Another 30-40% can be linked to personal habits such as diet, exercise and smoking. That leaves 50% of breast cancer occurrence "unexplained".

Researchers at the Department of Preventative Medicine and Community Health at the New Jersey Medical School found 650% more breast cancer in counties with toxic waste dumps. Washington has 47 of the EPAs top-priority hazardous waste sites including Seattle's lower Duwamish River and the 586 square mile Hanford Site, containing both concentrated toxic wastes and low level nuclear waste with a half life of 24,000 years.

For more information about environmental links to breast cancer, our "State of the Evidence" is listed in the conference resource guide, as is the documentary, "Rachel's Daughters".

Breast Cancer Fund opened its first state office in May 2004 in Washington at the invitation of the Toxic-Free Legacy Coalition. The coalition is a broad based alliance of over 50 environmental, health and business organizations across Washington. Our vision is to leave our children a legacy of fresh air, clean water, thriving wildlife and healthy bodies. Our platform:

- Phase out existing sources of persistent toxic pollution;
- Clean up historical sources;
- Prevent new sources; and
- Promote alternatives.

These are also the goals of our state's PBT program, with some exceptions. The Department of Ecology had revised the first goal to state, "Phase out and REDUCE" existing sources and they unfortunately have not yet adapted the last goal of promoting alternatives. Hopefully we will get there.

The Toxic-Free Legacy Coalition (TFLC) was the brain child of some of our steering committee members – Washington Physicians for Social Responsibility, Washington Toxic Coalition, and WashPIRG – who were concerned about toxic chemicals. We have grown to be a national leader in efforts to eliminate persistent toxic chemicals. An overview of our achievements include:

- Convincing Washington Department of Ecology (DOE) to establish the first statewide program in the nation to eliminate and clean up persistent toxic chemicals – 2000
- Securing funding from the state legislature for DOE to implement the PBT program – 2001
- Winning passage of a purchasing policy by the City of Seattle that commits them to purchase products that do not contain or contribute PBTs to the environment – 2002
- Leading the campaign to pass the mercury reduction bill through the state legislature – 2003
- Convincing Governor Gary Locke to issue an Executive Order on persistent toxic chemicals, which instructs the state to develop a plan for eliminating toxic flame retardants, also known as PBDEs – 2004

Therefore, the PBT phase out program was born.

What are "PBTs"?

- Persistent – Stays around in the environment, wildlife, peoples bodies, for long periods of time;

- Bioaccumulative – Builds up in the food chain and increases in concentration as they do so; and

- Toxic – Extremely toxic in small amounts causing health problems such as birth defects and diseases such as cancer.

Within the last 2 years the DOE and TFLC have worked primarily with 2 components of the state's phase-out program, addressing PBDEs (flame retardant) and developing a PBT rule.

In 2005 Washington State completed a phase-out plan for PBDEs with a Deca ban recommended. The proposed legislation had enormous support from environmental, health, and firefighter groups as well as from the departments of ecology, health, and

the state fire marshal. While the chemical industry has phased out the Penta and Octa forms of PBDE, the most widely used Deca continues to be manufactured and used in massive quantities. The bill followed recommendations of the state's departments of health and ecology. It would have banned Deca in electronics, residential upholstered furniture and mattresses, only if safer alternatives were identified and available. The bill would have required consultation with the state fire marshal as an additional consumer safeguard. The PBDE ban did NOT pass in 2006.

In December 2000, the department of ecology released its "Proposed Strategy to Continually Reduce PBTs in Washington State". The PBT strategy is intended to guide the continual reduction of risks to human health and the WA environment from exposure to PBTs. The strategy enables DOE and other state agencies to harness all of their tools – regulatory, voluntary, enforcement and compliance – and direct them at a group of chemicals of common concern.

The PBT rule went into effect in February 2006. It is the first rule of its kind in the U.S. Governor Locke's Executive Order and the 2004 legislature directed DOE to develop a rule that establishes specific criteria for identifying PBTS and a clear process for developing chemical action plans (CAPs) to address their effects.

The rule is procedural. It helps DOE set internal priorities when addressing PBTs. It contains a list of chemicals and chemical groups, lays out a process to prioritize and schedule future chemical action plans, and establishes procedures for developing CAPS. (CAPs are the main way specific reduction actions and activities will be developed and implemented). DOE and the department of health will develop a "multi-year" schedule for the preparation of CAPs.

I want to emphasize that states have been very reluctant to tackle the issue of phasing out chemical classes. The banning of PCBs by Minnesota and WA State's PBT initiative are rare examples of state governments targeting a class of chemicals for phase-out. The PBT strategy is innovative in that it does not address individual substances. It also helps DOE recognize that we need an overarching chemical reform policy.

To help craft the PBT rule, DOE worked with an advisory committee: business, agriculture, environment, government, academic/scientific and community interests. I was on this committee as the sole representative of a health affected group. And quite frankly I don't think they knew what to do with me.

I recall an intense discussion when the committee was debating the rule criteria for P, B and T – how many parts per million / parts per billion should be designated for each chemical group? There was lengthy debate, and disagreement depending on who was speaking. I piped up, recalling the day before, when I was at a local chemotherapy center, visiting women who were receiving treatment. If those women knew that we were sitting here debating the amounts of dangerous chemicals in our

environment, they would be appalled. I shared my opinion that NO amounts of these chemicals are safe. The room fell silent.

After the rule was drafted, public comment periods and hearings were held to provide input on the draft rule. The rule making process was highly contentious. Every chemical specific trade association came out to fight against their chemical winding up on the list.

If you are interested in the chemicals and chemical groups that are on the Washington State PBT list, you can come by the poster session. I will also have the specific criteria used to define P. B. and T. You can find this information on the DOE website: www.ecy.wa.gov/programs/eap/pbt.

Despite all of our efforts, which we are very proud of, we realize that "the system is still broken", to quote Gregg Small, Executive Director of the Washington Toxics Coalition.

What does a better system look like? PBT phase-out is only one element in a more comprehensive approach:

- Require safer substitutes and solutions instead of depending on voluntary measures;
- Give the public and workers the full right to know;
- Act on early warnings ie PBDEs;
- Require comprehensive safety data for ALL chemicals;
- Take immediate action to protect human health; AND
- Phase-out PBTs.

Adding my own opinion here, the results of a better system will be indicated by declining disease rates.

The TFLC and our government agencies, primarily DOE, have been particularly good at garnering media attention around the issue of toxic chemicals:

- In Sept 2003, many of the states leading papers and TV stations ran major stories on the Environmental Working Group's report documenting the levels of toxic flame retardants in breast milk;
- When Governor Locke issued the Executive Order, the Seattle P.I. ran a front page story and The Olympian (in our state's capitol) ran 3 consecutive days of stories;
- Building momentum, we have instigated stories and editorials on DOE's PBT program, fish contamination, e-waste recycling and energy independence through renewable fuels.

Our recent media attention, which was huge, commented on the "Pollution In People" study. This was an investigative study commissioned by the TFLC. The study tested 10 Washington residents for 6 groups of chemicals: phthalates; PBDEs; Metals – lead, arsenic, mercury; perfluorinated chemicals; pesticides and PCBs. We found at minimum, 26 chemicals in all participants. One of our participants is an occupational

nurse, who has the highest number of chemicals in her body. Just prior to this study, the Washington State Nurses Association joined our coalition and they are an important addition. I predict that nurses, Breast Cancer Fund and Washington Physicians for Social Responsibility will be a powerful source to be reckoned with!

The lessons we have learned in Washington are common to what many of us are going through.

- "We have broken out of our silos", as Lois Gibbs talked about yesterday morning. The TFLC has grown tremendously in the last 5 years, and is forging partnerships with DOE, the State Department of Health, Department of Agriculture, and the Governor's office.

- We cannot leave it up to our government to legislate. NGOs need to be "watch dogs" during the process. We need to be there at the inception of policies and laws, read the fine print, and voice our opinions. Once laws and policies are passed, we need to monitor their implementation.

- We have to put faces on our concerns, mobilizing those of us who have cancer and the myriad of other heath concerns. Asking citizens to speak authentically, from their own hearts and experiences, does make a difference. We need to bring more health affected groups to our work, and we need to talk to them about the precautionary principle.

I will close with a quote from Martin Luther King Jr.

> "Our lives begin to end the day we become silent about things that matter."