Rachel's Democracy & Health News #832 www.rachel.org
"Environment, health, jobs and justice--Who gets to decide?" Thursday, December 8, 2005

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THE LOUISVILLE CHARTER FOR SAFER CHEMICALS

[DHN Introduction: This is the final text of the Louisville Charter for Safer Chemicals{1} -- a document that represents a major breakthrough in U.S. chemicals policy innovation AND an extremely important indicator of the sophistication and depth of the grass-roots movement for health and justice in the U.S. For background on the Charter, look here{2}. To keep abreast of new developments, check here{3} often. -- DHN Editors]

Fundamental reform to current chemical laws is necessary to protect children, workers, communities, and the environment. We must shift market and government actions to protect health and the natural systems that support us. As a priority, we must act to phase out the most dangerous chemicals, develop safer alternatives, protect high- risk communities, and ensure that those responsible for creating hazardous chemicals bear the full costs of correcting damages to our health and the environment.

By designing new, safer chemicals, products, and production systems we will protect people's health and create healthy, sustainable jobs. Some leading companies are already on this path. They are creating safe products and new jobs by using clean, innovative technologies. But transforming entire markets will require policy change. A first step to creating a safe and healthy global environment is a major reform of our nation's chemicals policy. Any reform must:

Require Safer Substitutes and Solutions{4}

Seek to eliminate the use and emissions of hazardous chemicals by altering production processes, substituting safer chemicals, redesigning products and systems, rewarding innovation and re- examining product function. Safer substitution includes an obligation on the part of the public and private sectors to invest in research and development of sustainable chemicals, products, materials and processes.

Phase Out Persistent, Bioaccumulative, or Highly Toxic Chemicals{5}

Prioritize for elimination chemicals that are slow to degrade, accumulate in our bodies or living organisms, or are highly hazardous to humans or the environment. Ensure that chemicals eliminated in the United States are not exported to other countries.

Give the Public and Workers the Full Right-to-Know and Participate{6}

Provide meaningful involvement for the public and workers in decisions on chemicals. Disclose chemicals and materials, list quantities of chemicals produced, used, released, and exported, and provide public/worker access to chemical hazard, use and exposure information.

Act on Early Warnings{7}

Act with foresight. Prevent harm from new or existing chemicals when credible evidence of harm exists, even when some uncertainty remains regarding the exact nature and magnitude of the harm.

Require Comprehensive Safety Data for All Chemicals{8}

For a chemical to remain on or be placed on the market manufacturers must provide publicly available safety information about that chemical. The information must be sufficient to permit a reasonable evaluation of the safety of the chemical for human health and the environment, including hazard, use and exposure information. This isthe principle of "No Data, No Market."

Take Immediate Action to Protect Communities and Workers{9}

When communities and workers are exposed to levels of chemicals that pose a health hazard, immediate action is necessary to eliminate these exposures. We must ensure that no population is disproportionately burdened by chemicals.

Dates must be set for implementing each of these reforms. Together these changes are a first step towards reforming a 30-year old chemical management system that fails to protect public health and the environment. By implementing the Louisville Charter and committing to the innovation of safer chemicals and processes, governments and corporations will be leading the way toward a healthier economy and a healthier society.

Background Paper #1: Require Safer Substitutes and Solutions{10}

Background Paper #2: Phase Out Persistent, Bioaccumulative, or Highly Toxic Chemicals{11}

Background Paper #3: Give the Public and Workers the Full Right-to- Know and Participate{12}

Background Paper #4: Act with Foresight{13}

Background Paper #5: Require Comprehensive Safety Data for All Chemicals{14}

Background Paper #6: Take Immediate Action to Protect Communities and Workers{15}

{1} http://www.louisvillecharter.org/thecharter.shtml

{1} http://www.louisvillecharter.org/aboutthecharter.shtml

{2} http://www.louisvillecharter.org/whatsnew.shtml

{3} http://www.louisvillecharter.org/paper.substitutes.shtml

{4} http://www.louisvillecharter.org/paper.phaseout.shtml

{5} http://www.louisvillecharter.org/paper.righttoknow.shtml

{6} http://www.louisvillecharter.org/paper.foresight.shtml

{7} http://www.louisvillecharter.org/paper.safetydata.shtml

{8} http://www.louisvillecharter.org/paper.protect.shtml

{9} http://www.louisvillecharter.org/paper.substitutes.shtml

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{14} http://www.louisvillecharter.org/paper.protect.shtml

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URL: http://www.louisvillecharter.org/aboutthecharter.shtml

From: The Louisville Charter for Safer Chemicals, Dec. 3, 2005

A PLATFORM FOR A SAFE AND HEALTHY ENVIRONMENT THROUGH INNOVATION

Why Louisville?

Louisville, Kentucky, USA is home to the area known as "Rubbertown," which has eleven industrial facilities releasing millions of pounds per year of toxic air emissions -- one-third of all reported toxic releases in Kentucky. The surrounding community is 60% African American. In May 2004, Louisville hosted a meeting of a network of groups and individuals whose common goal is to work together on chemical policies and campaigns to protect human health and the environment from exposures to unnecessary harmful chemicals. Participants named the Charter{1} after this city to honor it and all the communities across the country and around the world committed to ending toxic chemical contamination.

Some Practical Applications of the Louisville Charter{2} & Background Papers

You are encouraged to use the charter for safer chemicals. Here you will find some practical applications of the Charter. While these are just a few applications of the Louisville Charter it shows how broadly the document can be applied and the great need for broad input contribution from environmental justice and health groups, as well as organizations focusing of public access and worker protection, to make real these and other goals, such as adoption of national chemical policy that protects us all.

Legislative Policy Application

Several states including but not limited to California, Maine, New York, and Washington, have been running substantive chemical issue campaigns as a way to achieve phase outs of those chemicals. Chemical focuses include dioxin, PVC, arsenic, mercury, and brominated flame retardants, among others. Several states have a goal to achieve wholesale chemical policy reform (not chemical by chemical bans but bans of whole chemical classes). The Louisville Charter could become the basis of policy re-making at the state level. Likewise, local groups can advocate that metro environmental boards with oversight of various agencies adhere to the fundamental principles of the Charter in all their activities. Ultimately, with support by state, municipal and local groups and governments, as well as progressive businesses, a national chemical policy reform effort around the principles of the Charter for Safer Chemicals could be launched.

Market Initiatives

There are several market campaigns (focused on users of chemicals) that are in a position to advocate that their allies/targets adopt a wholesale chemical policy, like that outlined in the Charter for Safer Chemicals, because they have already agreed to phase out certain chemicals in their product lines. These include campaigns on the auto industry, the cosmetics industry, the computer industry, the electronics industry, the health care sector and others. By using the principles of the Charter for Safer Chemicals businesses can take the business lead on instituting just chemical policies that restrict the demand for, use and disposal of products containing unnecessary chemical toxics. Campaigns at the legislative and production levels benefit from adoption of the

Charter for Safer Chemicals among major business purchasers and users.

Corporate Engagement

The growth of Clean Production in the manufacturing sector is a keen example of progress towards safer chemical innovation. The Charter for Safer Chemicals could be a common set of principles that manufacturers adopt about which chemicals they use and release and how they interact with workers and the public, particularly their immediate neighbors. Key principles of the Charter have already had great success in certain states. For example, in Massachusetts, the Toxic Use Reduction Act requires that companies (over 550 of them in the state) assess their toxic use reduction options, which include material substitution and product reformulation (key tenets in the Charter). Within the past 10 years these companies have reduced their use of toxic chemicals by 40%, by-product waste by 58% and toxic emissions by 80%. A cost benefit analysis shows the same companies saved $14 million over the same period.

To keep abreast of What's New related to chemicals policy{3}, check in regularly here{4}.

{1} http://www.louisvillecharter.org/thecharter.shtml

{2} http://www.louisvillecharter.org/thecharter.shtml

{3} http://www.louisvillecharter.org/whatsnew.shtml

{4} http://www.louisvillecharter.org/whatsnew.shtml

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URL: http://www.precaution.org/lib/Dec_solicitation.051206e.htm

From: Environmental Research Foundation, Dec. 6, 2005

RACHEL'S KICKS OFF ITS WINTER FUND DRIVE:

By Peter Montague

Please make a donation online today{1}. Or call 888-272-2435 to donate by phone.A printable form that you can mail or fax is available here{2}.

You can help us raise $100,000 to expand our readership and outreach programs helping community activists, local officials and small business owners protect nature, human health and democracy. See more details of our Winter fund drive and our programs for 2006 here{3}.

Thank you for your generous support! -- Peter Montague

{1} http://secure.groundspring.org/dn/index.php?aid=155

{2} http://www.precaution.org/lib/05/PRINTABLE_FORM.051130.HTM

{3} http://www.precaution.org/lib/Dec_solicitation.051206e.htm

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URL: http://www.precaution.org/lib/05/mother_takes_hard_look_at_pesticides.051201.htm

From: Grist Magazine, Dec. 1, 2005

A WORRIED MOTHER DISCOVERS THE SECRETS OF PESTICIDE TESTING

By Audrey Schulman

Three years ago, while my extended family was vacationing at my dad's cranberry farm, he mentioned that one of his fields would be sprayed that evening. There were five children under 10 in the house, and I was eight months pregnant. The field was 100 feet away. I asked my dad about the pesticides, but he said, "Don't worry. The government runs tests on the chemicals. They make sure they're safe."

That night, through a closed window, I watched the plane rumble low over the field, the fog behind it drizzling softly to the ground. Behind me, in the house, the kids laughed and called, playing hide- and-seek. I started wondering about these tests. I decided to do a little research. According to the U.S. EPA, about 5 billion pounds of pesticides were used in the U.S. in 2001. And researchers estimate only 1 to 2 percent of agricultural applications reach their target pest. Not surprisingly, these toxins can be found in almost every stream -- and in most Americans' bloodstreams.

This country's heavy reliance on synthetic pesticides is fairly new. We're still on a learning curve that began in the 1940s. Around then, partially spurred on by chemical-warfare research, the new industry began to churn out products designed to kill everything from fungi to rodents. Until the 1960s, these toxins were tested mainly to make sure they were effective. But since Silent Spring, people have become increasingly wary about their health effects. Today, each new active ingredient must pass more than 100 safety tests to be legally registered. (Despite the fact that inert ingredients, which can constitute up to 99.9 percent of the total, can be just as toxic, tests are mandated only for active ingredients.)

At the EPA website, I found a seemingly thorough list of tests that examined chemicals' effects on birds, mammals, fish, invertebrates, and plants. These tests checked for storage stability, residue on food, soil absorption, and short-term toxicity, as well as carcinogenic effects, prenatal harm, and damage to human fertility and genetic material. As I scanned the categories, a knot of worry inside me began to relax. Until I learned all these experiments are completed by the manufacturers.

I called EPA press officer Enesta Jones, who said she had no problem with manufacturers overseeing safety experiments. Since the EPA is responsible for pesticide registration, she explained, it conducts compliance investigations, has developed strict guidelines, and reviews all data to ensure its integrity. (The agency's role does not include enforcement of the tolerance levels it establishes, a duty that falls to the Food and Drug Administration and the Department of Agriculture.)

Now, I've always been impressed with science, which seems to be one of the few fields that hasn't recently suffered some large scandal. Good science is based on transparency. Breakthroughs are reported in peer- reviewed journals, and experiments can be reenacted to verify the results. The openness of the system creates a consensus that heads toward truth. Unfortunately, pesticide-safety experimentation is not transparent.

Although the analyses are performed by professional scientists, the results are often reported only to the EPA. They are rarely published in peer-reviewed journals, and must often be requested through the Freedom of Information Act, a process that can take years.

To get an idea of what's behind the curtain, consider the findings of Tyrone Hayes. A professor of developmental endocrinology at the University of California-Berkeley, Hayes published an article in BioScience (yes, it's peer-reviewed) in which he compared several previous experiments performed by others on the effect of atrazine on frogs' sexual differentiation. Seven of the studies performed on this popular corn pesticide were paid for by Syngenta, the manufacturer; nine others were funded by independent sources. Every one of the Syngenta-funded studies concluded that atrazine did not affect amphibian gonads, while all but one of the independent studies found that the chemical did have an effect, sometimes at the level of one- tenth part per billion in water. That's a stunningly small amount -- about the same as dropping one tablespoon in almost 40 million gallons.

The Syngenta studies didn't falsify data; they were simply designed to find "no effect," by exposing both the control and experimental groups to enough atrazine to affect their gonads. This type of testing isn't criminal. It's just bad science.

And here's more: last year, Alan Lockwood, professor of neurology and nuclear medicine at the State University of New York at Buffalo, published an analysis in the (peer-reviewed) American Journal of Public Health of the pesticide tests on humans that he could get access to through FOIA. In one, the consent form implied that the pesticide -- a known neurotoxin -- might make the subjects smarter. It didn't mention the actual possibilities of vomiting, convulsions, or death. In another, when four of six participants got sick and had to drop out, the experimenters based their positive results on the two remaining subjects. Lockwood said all the studies had "serious ethical or scientific deficiencies -- or both."

The idea of testing on human volunteers, halted in 1998, has resurfaced thanks to industry pressure and a "sympathetic ear" in the form of EPA administrator Stephen Johnson. But the notion still has powerful opponents -- Johnson's confirmation was blocked until he cancelled a plan to study pesticides' effects on low-income children -- and controversy has surrounded EPA's draft rules on such tests, released this fall. A public-comment period on the rules ends Dec. 12.

The son I was pregnant with when the cranberry bog was sprayed has developed slowly in different ways. He started talking so late the state sent a speech therapist over to tutor him. My older son, who was also there, can't draw. He's 5 now and gets frustrated trying to make even a stick figure. The one time he tried to draw me, it looked like an amoeba with three eyes.

Does this have to do with drifting pesticides? I can't tell you. None of us will know for sure the effects of these chemicals until there's good science involved -- science that isn't funded and reported by the very people making the chemicals in the first place.

-- Audrey Schulman is the author of the novels The Cage, Swimming with Jonah, and A House Named Brazil.

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URL: http://www.csmonitor.com/2005/1206/p01s02-sten.html

From: Christian Science Monitor, Dec. 6, 2005

A FIGHT OVER EASING RULES FOR REPORTING TOXIC EMISSIONS

The EPA plan would help small businesses reduce paperwork.

By Mark Clayton

Gracie Lewis is on a crusade to save the Toxics Release Inventory, a trove of federal pollution data vital to helping her -- and activists nationwide -- win community battles for cleaner air and water.

Until a couple of years ago, Mrs. Lewis was at her wits' end over the stew of chemical odors wafting into her home from nearby factories in the industrial heart of Louisville, Ky., a neighborhood known as "Rubbertown."

Though she still smells them today, the city now has a plan for beating back toxic emissions, in part because of TRI data gathered annually by the Environmental Protection Agency, she says. With those crucial numbers in hand, she and other activists can ferret out companies releasing harmful chemicals. "Once we smell it, we call the odor hot line," she says.

But that ability to check the numbers may be changing as the EPA mulls over whether to lower the TRI reporting requirements. Small businesses have welcomed the proposal because it eliminates extra paperwork. But Lewis, environmentalists, and first responders have become part of a vocal national backlash since the changes were first proposed in September. These groups argue they would lose vital data and would not be able to hold polluters accountable.

"The administration's recommendation is dangerous and cavalier and should be withdrawn or blocked by Congress," opined the Columbian, a daily newspaper in Clark County, Wash., in October.

Under the new EPA plan, TRI reporting would be done once every other year instead of annually. It would also substantially raise the thresholds for amounts of many toxic emissions that have to be reported -- from 500 to 5,000 pounds. But it would save millions of dollars in paper shuffling by small businesses that emit little pollution anyway, EPA officials say.

"EPA's proposal would collect 99 percent of the same data and allow small businesses to meet their reporting obligations to EPA in a more streamlined way," says Eryn Witcher, the agency's press secretary.

But in a teleconference last Thursday, environmentalists, first responders, and health advocates unveiled an analysis showing that under the new EPA plan, at least 922 communities nationwide -- more than 10 percent of the nation's ZIP Codes -- would lose all numerical TRI data on local polluters, according to the National Environmental Trust, an environmental group in Washington.

In Kentucky, at least 13 ZIP Codes would no longer receive TRI data under the new EPA proposal. In Jefferson County, Ky., 15 of some 75 TRI facilities would not have to report data if the plan is implemented, the NET analysis shows. In the county, data on 45 tons of toxic releases would not have been reported if the EPA's proposed standards had been in place, says the NET study.

"The EPA plan would result in an inaccurate picture of pollution at the local level, hamper our ability to prepare for emergencies, and provide an incentive for facilities to pollute more in our communities," says Tom Natan, director of research for the NET.

Besides the 3,849 out of 21,489 TRI facilities nationwide that would be excluded from reporting toxic release data, another 1,608 among the 8,927 ZIP Codes with TRI facilities across the country would have the reportable amounts cut in half, Dr. Natan says.

Many activists say it is not time to decrease reporting requirements because the TRI program continues to be effective. It is widely credited with helping reduce almost 65 percent of toxic chemical releases since its inception, Natan says. And more, not less, information is needed on industrial toxic releases, many activists say. They point to the chemical soup generated by industrial facilities after hurricane Katrina struck; a big benzene spill in China last month; and a chemical spill that killed more than 2,000 in Bhopal, India, in 1984.

The TRI program came into existence under the Emergency Planning and Community Right-to-Know Act of 1986, in the aftermath of the tragedy in India and a chemical spill in West Virginia. The act mandates that emissions of toxic chemicals be made public. Today, more than 23,000 facilities nationwide report the release of about 650 chemicals in the air and water, as well as those deposited in landfills.

But groups like the National Federation of Independent Business, which represents smaller companies, have a different view of the situation. They've been pushing for EPA revisions to TRI.

"This has been a top-tier issue for our members, and we've worked closely with folks at EPA to see some manner of TRI reform," says Andrew Langer, NFIB's manager of regulatory policy.

"It's simply not true," he says of the claim that businesses might emit more in nonreporting years. "Small businesses are not going to drastically change their operations to hide their emissions."

In Louisville, the American Bluegrass Marble Company has struggled with the EPA's red tape. According to the NET data, the 50-employee company, which makes marble vanity tops and other bathroom fixtures, would be among those let off the hook by new EPA rules.

In 2003, the company reported emitting 14 pounds of styrene, a chemical used in sealants, into the atmosphere. Despite this low level, it took employee James Feeney and a hired consultant a week to fill out the TRI paperwork, he said.

"I won't say it's a hardship, but it's been expensive, and the company has had to hire a consultant just to figure the paperwork out," he says. "If we were exempted, it would be great. Some of the things EPA has made us do are just ridiculous."

In Maryland, some first responders and environmentalists are worried because the EPA plan would mean losing all TRI data in 15 ZIP Codes.

"We need all the information we can get," says Mike Donahue, battalion chief for the Montgomery County Fire Rescue Services. "I'm opposed to the plan" to squeeze back the TRI, he adds.

The comment period on the proposed changes ends Jan. 13.

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URL:
http://www.aarpmagazine.org/people/impact_awards_rich.html

From: The AARP Magazine, Dec. 6, 2005

MARGIE E. RICHARD: POLLUTION FIGHTER

By David Dudley

[DHN introduction: Each year the AARP (formerly the American Association of Retired Persons) honors 10 people with Impact Awards -- 10 people "who have made the world a better place." This year one honoree is Margie Richard the famous grass-roots pollution-fighter from Norco, Louisiana. Congratulations, Margie! --Editors]

Even as her family and neighbors fell sick and died, Margie Richard couldn't help thinking that those responsible would do the right thing if only they knew. The trouble was, they didn't want to listen. So the retired Louisiana schoolteacher took matters into her own hands, leading a lengthy battle against the pair of Shell petrochemical plants that bookend the African American community in Norco, a small town upriver of New Orleans amid the toxic skein of industry dubbed Cancer Alley.

Shell wasn't just a health menace; it was the town's main employer, and community support largely broke along racial lines. But with a steely mix of faith and ingenuity, Richard, 64, convinced the petroleum giant both to clean up its act and to pay each homeowner in a four-block area of the plant a minimum of $80,000 to buy a house elsewhere -- an offer everyone accepted.

She set up a webcam to broadcast illegal venting of toxic chemicals from the plant, installed her own atmospheric monitors, and even traveled to Shell headquarters in the Netherlands to invite company executives to take a whiff of Norco's air for themselves.

In the end, the company agreed to invest more than $20 million in emission reduction and relocation -- a historic victory for so-called fence-line communities living with industry.

In 2004 Richard became the first African American to win the $125,000 Goldman Environmental Prize. "I get accused a lot of talking too much, but if you don't tell people the problem, how can you expect them to solve it?" she says. Indeed.

Rachel's Democracy & Health News *(formerly Rachel's Environment & Health News) highlights the connections between issues that are often considered separately or not at all. The natural world is deteriorating and human health is declining because those who make the important decisions aren't the ones who bear the brunt. Our purpose is to connect the dots between human health, the destruction of nature, the decline of community, the rise of economic insecurity and inequalities, growing stress among workers and families, and the crippling legacies of patriarchy, intolerance, and racial injustice that allow us to be divided and therefore ruled by the few. In a democracy, there are no more fundamental questions than, "Who gets to decide?" And, "How do the few control the many, and what might be done about it?" As you come across stories that might help people connect the dots please Email them to us at dhn@rachel.org. Rachel's Democracy & Health News is published as often as necessary to provide readers with up-to-date coverage of the subject. Editors: Peter Montague - peter@rachel.org Tim Montague - tim@rachel.org*