



TO: Interested Parties

FROM: Reproductive Health Technologies Project

RE: Reproductive Health Analysis of the Toxic Chemicals Safety Act (H.R. 5820)

The Toxic Chemicals Safety Act (H.R. 5820)

The Toxic Chemicals Safety Act (H.R. 5820) is legislation to update and overhaul the Toxic Substances Control Act of 1976 (TSCA) in order to protect the health of children, pregnant women, workers, the public, and the environment from toxic chemical exposure from everyday products. The bill was introduced by Chairmen Bobby L. Rush and Henry A. Waxman of the Energy and Commerce Committee. Similar legislation—the Safe Chemicals Act (S 3209)—was introduced in the Senate earlier this year.

Background Facts on Reproductive Health and Toxic Chemicals

In the U.S. today, there is increasing concern that environmental contaminants are harming the reproductive and sexual health and fertility of women and men¹:

- At least 12% of women reported infertility, miscarriage, or difficulty conceiving in 2002, an increase of 40% from 1982. The rate has almost doubled in younger women, ages 18–25.
- There have been significant declines in sperm counts in men.
- Studies suggest that exposure (either directly or in utero) to chemicals commonly used in everyday products has been linked to earlier puberty in girls, cancer, and birth defects.
- Reproductive tract abnormalities like undescended testes and hypospadias (a deformity of the penis) are increasing in infants and newborns.
- The Centers for Disease Control and Prevention (CDC) has published data showing that exposures to toxic chemicals like bisphenol A (BPA) and phthalates are common. Almost everyone has these chemicals in their bodies—some at levels near or above those shown to cause adverse effects on reproductive health.

Why We Need Chemical Policy Reform

- There are 80,000 chemicals in commerce today, and the vast majority of them are not tested for safety. Toxic and untested chemicals are commonly found in water and baby bottles, scented candles and air fresheners, vinyl shower curtains and home electronics.
- Major loopholes in current law make it almost impossible for the Environmental Protection Agency (EPA) to require testing or regulate chemicals based on adverse health effects. Consequently, TSCA has never been used adequately to regulate toxic chemicals, despite their potential to harm reproductive health.

¹ *The Health Case for Reforming the Toxic Substances Control Act*, published by the Safer Chemicals, Healthy Families Campaign, 2010 (<http://healthreport.saferchemicals.org/reproductive.html>).

- Currently, state laws provide a patchwork of regulations and individual chemical bans. While these efforts are important steps in the right direction, we know that fighting state by state and chemical by chemical will not be enough to protect reproductive health. In addition to providing comprehensive reform at a federal level, this new bill also allows states to enact additional or more progressive chemical reforms on their own.

How H.R. 5820 Will Improve Reproductive Health

- **Require Basic Health & Safety Information for All Chemicals:** HR5820 would require chemical companies to provide basic health and safety information for chemicals, proving those chemicals safe *before* they enter the market, our homes, and our bodies. This bill will give the EPA authority to act effectively to regulate or ban chemicals shown to be harmful.
- **Protect Reproductive Health from the Worst Chemicals:** The bill requires EPA to prioritize safety determinations for some of the most dangerous commonly used chemicals, including reproductive toxicants BPA and phthalates.
- **Study and Take Action on “Persistent, Bioaccumulative, and Toxic” Chemicals (PBTs):** The bill would mandate immediate action to reduce exposures to PBTs, which build up in the food chain and seriously harm health. One example is mercury, a PBT which is linked to infertility and miscarriage and known to harm early development.
- **Protect Disproportionately Affected/Vulnerable Populations:** The bill would require that all chemicals meet a safety standard that protects disproportionately vulnerable and affected populations, including infants, children, and adolescents; pregnant women (including effects on fetal development); individuals with preexisting medical conditions; and workers. The bill also includes provisions to reduce the disproportionate burden of toxic chemical exposure placed on people of color, low-income people, and indigenous communities.
- **Ensure Environmental Justice:** The bill would require the EPA to identify and take action to reduce chemical exposure in “hot spots,” areas of the country facing disproportionate toxic chemical burdens and adverse health effects due to a high concentration of industrial activity, a legacy of pollution, or other factors.
- **Use the Best Science to Track the Health Impacts of Toxic Chemicals:** This legislation would allow the EPA to require biomonitoring (measuring and tracking the presence of chemicals in our bodies) as part of the data it collects on chemicals. Specifically, the bill requires biomonitoring studies of pregnant women and infants in order to collect data on chemicals likely to harm early development. In addition, the EPA has to use the best methods for determining a chemical’s safety, as defined by the National Academy of Sciences.

What You Can Do to Advocate for Reform

- **Contact RHTP:** Email Jenn Rogers (jrogers@rhtp.org) to learn about simple, scalable ways your organization can improve reproductive health by reducing chemical exposure.
- **Learn More About Toxic Chemicals & Environmental Justice:** Check out our newest blog, [The Unseen Spill: The Human and Reproductive Health Catastrophe of Toxic “Hot Spots” in the Gulf Region](#)
- **Take Action:** [Ask your Representative to co-sponsor the Toxic Chemicals Safety Act.](#)
- **Get Reproductive and Environmental Health Updates on Twitter:** twitter.com/rhtporg