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Thanks for inviting me today. It's a pleasure to address the American College of Occupational and Environmental Medicine.

As many of you may know, I have spent my career in Congress working on issues where public health and the environment intersect.

It is a challenging area of public policy.

Often, work on these issues requires taking on our society's most powerful interests – like electric utilities, automakers, the tobacco industry, or the pesticide manufacturers. And it requires standing up for some of the least powerful interests in our society – like infants, children, unorganized labor, or even future generations.

Asking the most powerful to spend significant resources to protect the least powerful is a difficult business.

Sometimes an adverse impact we seek to address is difficult to quantify, or is a long time in the making. Perhaps it's a cancer that doesn't occur for decades. Or maybe it's a cataract caused by stratospheric ozone depletion that is caused by literally millions of sources around the globe. The analytic challenges can be enormous.

These problems are only exaggerated when you realize that we must sometimes make decisions on the basis of imperfect information. For instance, whether it's global warming, the cumulative effects of exposure to toxic chemicals, or the effects of cigarette smoke, we are often prompted to decision before every last bit of information we might like is known.

Your organization is on the front lines of these issues. The 6,000 professionals that you represent specializing in occupational and environmental medicine confront these issues every day.

When the system works properly, the people in this room provide feedback to policymakers about what's happening in the field. In turn, we establish policies to help you in your work. We attempt to ensure adequate funding and put in place policies that prevent adverse impacts before they happen. Ideally, public health is protected. Industry understands the basis for regulation and can live with the policies that are adopted. They can compete and make a fair profit even if they have to make some effort to reduce their impacts.

Unfortunately, the system is not working properly right now. The Bush Administration doesn't appear to even want a system that works. In decision after decision, we see ideological arguments winning the day. We see public health sacrificed if it comes up against industry's checkbook. We see the law twisted and tortured to avoid necessary public health and environmental protections.

Industry lobbyists never had it so good. Public health has never faced such a systematic challenge.

I thought I would talk to you today about some of the recent examples I've seen of this.

Perhaps the most dramatic example of the Administration's refusal to protect the public from harm from toxic chemicals is the Administration's approach to mercury pollution.

As you all know far better than I do, mercury is a potent neurotoxin. Its developmental effects on fetuses, infants, and children are well documented. Several recent studies suggest that even small mercury exposures may cause adverse cardiovascular effects in adults. CDC's National Health and Nutrition Examination Survey found that approximately 6% of women of child-bearing age in the United States have blood mercury levels that would put children born to them at increased risk of adverse health effects.

In my view, this is a serious public health threat that demands immediate action. That also happens to be what the Clean Air Act requires. Yet this Administration has instead issued regulations that delay reductions in mercury emissions by over a decade. This is a terrible betrayal of the public trust.

I would like to discuss what happened here in a bit more detail because it illustrates the lengths to which this Administration is willing to go to avoid requiring industry to clean up its act.

The Clean Air Act appropriately identifies mercury as a toxic air pollutant. The Act also requires EPA to regulate all toxic air pollutants from large industrial sources. Specifically, EPA must require each type of source to reduce its emissions by the maximum amount achievable using control technology. The Act requires the sources to control their emissions within three years of when EPA issues the rule.

EPA has already issued rules for mercury emissions from sources such as incinerators that burn medical waste and municipal waste. These rules have been tremendously successful, reducing mercury emissions from these sources by more than 90% percent. Now, the largest uncontrolled source of mercury emissions in the United States is coal-fired power plants.

After years of delay, EPA has finally issued a mercury rule for power plants. But the rule is a travesty.

EPA refused to regulate mercury emissions as a toxic air pollutant, contrary to the Clean Air Act's direction. Instead, EPA set a lax standard for mercury emissions and allowed energy companies to delay full compliance for several decades. If EPA had complied with the Clean Air Act, the mercury pollution would have had to be cleaned up by 2008. But EPA's rule does not require any mercury-specific reductions until 2018, and the reductions will not be fully achieved until 2025 or even 2030.

One of the things I find particularly troubling about this rule is that EPA made its decisions based on political considerations, not the science. EPA selected mercury emissions levels that matched the levels in the Administration's proposed amendments to the Clean Air Act. After all, if the regulation were more protective than the legislative proposal, why would Congress adopt the legislation? At the direction of the White House, EPA refused to *analyze* the benefits and

costs of a more protective approach. And EPA did not even mention a Harvard University study that concluded that stronger standards would have large economic benefits.

This rule also allows mercury pollution to be traded between power plants, instead of requiring each plant to reduce its own pollution. Pollution trading can be an effective approach in some cases, but it simply doesn't make sense for toxic chemicals like mercury. Here's the problem – under trading, one plant may reduce a lot, while another plant can buy those reductions and actually increase emissions. This allows toxic "hot spots," in which people in some communities are exposed to very high levels of the pollution.

In fact, EPA's Children's Health Protection Advisory Committee highlighted this and other concerns, and stated that the rule "does not sufficiently protect our nation's children."

The Clean Air Act doesn't allow trading of toxic air pollutants, and EPA's rule is almost certain to be defeated in court. In the meantime, however, another generation of children will be needlessly exposed to mercury pollution from power plants.

The Administration's appalling policies on mercury are not limited to the power plant mercury rule. This Administration has also undermined international talks on reducing mercury pollution world-wide.

In negotiations in Nairobi in 2003, and again in February of this year, the European Union and other nations called for development of a binding international treaty to reduce mercury emissions. But the Administration has repeatedly refused to even consider an international agreement on mercury. In fact, the Administration opposed setting even voluntary non-binding *goals* for reducing mercury pollution.

This stance is particularly ironic because the Administration has pointed to international mercury emissions as a large part of the problem, to try to justify allowing continued high levels of mercury emissions from power plants. In reality, EPA has found that 60% of the mercury that deposits in the United States is from domestic sources. What we need is to control domestic mercury pollution and to negotiate a treaty to ensure that other countries reduce their emissions. But this Administration is doing neither.

Of course, as you all know, mercury is just one of thousands of toxic chemicals that harm Americans' health. Unfortunately, the Bush Administration's track record is no better on the other toxics.

Consider formaldehyde, which is emitted by plywood manufacturers and other industries. I'm sure most of you have worked with formaldehyde, but there are some serious health concerns with it. Acute and chronic exposures produce nausea and eye, throat, and skin irritation. EPA also considers formaldehyde a probable carcinogen.

Last year, EPA issued a rule required by the Clean Air Act to regulate emissions of formaldehyde and other toxics from plywood manufacturers. And again, the Agency bent over backwards to minimize . . . not the pollution, but the clean up.

Once again, EPA ignored the most recent science in favor of industry-funded studies that purported to show formaldehyde is not that harmful after all. And once again, EPA disregarded

the Clean Air Act requirements and created a loophole to let industry off the hook for cleaning up. Here's what happened.

In developing the plywood rule, EPA abandoned its previous estimate of formaldehyde's toxicity in favor of a new estimate produced by the Chemical Industry Institute of Toxicology. The industry's estimate is about 10,000 times less stringent than EPA's previous estimate. EPA refused to consider recent studies conducted by the National Cancer Institute and the National Institute of Occupational Safety and Health. The results of those studies became available shortly before EPA issued the final rule and are important because they indicate that formaldehyde exposure may cause leukemia. But EPA's rule never even mentions that possibility.

The Administration didn't only ignore the science, it also ignored the law. As I mentioned earlier, the Clean Air Act directs EPA to reduce toxic air pollution by requiring the maximum achievable reductions from each type of source. Congress deliberately chose this approach in 1990 as a way to ensure progress on reducing toxic air pollution. Prior to 1990, EPA had been deadlocked when it was required to set every standard based on risk.

Congress wanted to require controls on toxic air emissions, but we recognized that some sources might pose very little risk. As a result, we allowed EPA to exempt a whole category of pollution sources from these requirements if none of the sources' emissions pose more than a one-in-a-million cancer risk.

Under the plywood rule, however, EPA allowed individual sources to argue that their emissions are low risk and hence they should not have to install any pollution controls. This forces EPA to spend a huge amount of time and resources doing risk assessments for individual plants, which is exactly what Congress intended to stop when it amended the Act in 1990. In fact, over half of the plants affected by the rule could get out of its requirements under this new loophole.

An investigative report by the Los Angeles Times revealed that this legal loophole was suggested by lawyers from the firm Latham and Watkins, whose clients were the wood products industry. The EPA political appointee who told the staff to put this loophole in the rule used to work for that same law firm and used to represent a major plywood manufacturer.

The Administration has not felt bound by the law or the science, but nor have they felt bound by ethical or moral concerns.

There is an astounding and troubling practice going on now under new incentives created by EPA. Industry is intentionally dosing humans with pesticides in order to generate pesticide safety data.

Unlike pharmaceutical studies, these studies are not being conducted with the hope that they might benefit the test subjects. Instead they are being conducted to determine how much pesticide exposure it takes to hurt people.

For decades, a pesticide safety standard has been determined by finding safe levels in animals and then reducing that level by a factor of ten in order to protect humans.

In 1996, I was proud to work on the Food Quality Protection Act which required an additional level of protection for infants and children.

Unfortunately, when the pesticide industry was faced with the prospect of limiting the use of the most dangerous pesticides, they looked for a way around the law. And they decided upon a strategy of testing pesticides directly on humans in order to avoid any additional safety factors that are used for data gathered from testing chemicals on animals.

The end result is that if the pesticide manufacturers get their way they can dose humans with pesticides in order to justify weaker pesticide safety standards than would otherwise be allowed.

The most well-known of these studies have been conducted overseas where industry can more easily avoid public scrutiny and accountability. Often the studies are conducted without the informed consent of the test subjects. Sometimes, the test subjects are not even told they are being exposed to pesticides.

This is ethically very troubling.

In the late 1990's, EPA refused to consider these kinds of studies. Since the studies often violate the ethical standards that apply to most research, EPA has simply refused to consider pesticide studies conducted on humans.

However, in November 2001, we learned that EPA had departed from its previous policy and was beginning to use these unethical tests. Congress and the public were outraged. As a result, EPA reestablished a moratorium on using these studies. Unfortunately, they did it by issuing a press release, instead of through official agency action.

In 2003, the D.C. District Court of Appeals overturned the moratorium when the pesticide industry argued that EPA had not in fact issued the moratorium through appropriate legal authority.

In February 2004, amidst some controversy, the National Academy of Sciences issued a report on human testing, which recommended allowing some testing on humans but only with new ethical oversight.

In February 2005, EPA issued a plan to establish a framework for considering human studies. Putting this framework in place will take several years according to EPA staff. In the meantime, EPA is allowing human dosing studies to take place right now – without any safeguards in place.

These are just a few examples of the activities of this Administration. They have decided that industry interests trump the science, the law, and even people's health. And they continue to escape accountability because the Republicans in Congress refuse to conduct adequate oversight.

These are ongoing struggles. I fought them yesterday and I will fight them tomorrow. And I am tremendously grateful that I don't have to fight them alone.

I am pleased to work alongside the environmental groups, public health groups, organized labor and many state governments. I know that members of your organization do all that they can to help, and I thank you for your important work.