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Good morning Chairman Rush and Members of the Subcommittee. I am James Jones, Deputy Assistant Administrator for Prevention, Pesticides and Toxic Substances at the United States Environmental Protection Agency. I am here today to talk about chemicals that are persistent, bioaccumulative, and toxic, otherwise known as PBTs, and EPA's domestic and international actions related to such chemicals. I appreciate the opportunity to be here today.

As this Committee knows, EPA's mission is to protect human health and the environment. Ensuring that our citizens, and especially our children, are protected from exposure to unsafe levels of toxic chemicals and pollution or other environmental threats in their homes, schools, or communities by continually strengthening our chemical management regime is not only central to EPA's work, but is an area that EPA Administrator Jackson identified as one of her priorities for the Agency. As she noted in her own testimony to Congress, the public expects the government to provide assurances that chemicals which are ubiquitous in our economy, our environment, and our bodies have been assessed, using the best available science, and that unacceptable risks have been eliminated.

You have asked me here today to talk about PBTs in particular. PBTs are long-lasting substances that build up in the food chain and, at certain exposure levels, may be harmful to human health and the environment. Their persistent property means that they do not break down, so when they are released to the environment they remain, essentially unaltered, for months or years. With continued use and release, they build up in sediments and soil. PBT's also bioaccumulate, such that their concentrations increase as they go up the food chain from sediment, to aquatic insects, to fish, for example. It is this concentration in the food chain which, under certain circumstances, can cause adverse effects in humans, including reproductive defects, or in wildlife. Some PBTs are also susceptible to long range transport such that adverse effects can be found far removed from their site of production or use. Combined, these properties are what make EPA concerned not only with historical PBT chemicals, such as DDT and PCBs, but also with chemicals with similar properties entering commerce today or in the future. And so I would like to take a few minutes to just touch on a few of the relevant domestic and international actions we have taken with respect to PBTs.

First, in terms of pesticides, the Agency has adapted its standard risk assessment methodologies to specifically address the particular needs of compounds that exhibit persistent, bioaccumulative, and toxic characteristics. These refined methods are designed to account for the unique attributes of PBT chemicals and are applied on the basis of internationally-recognized screening criteria. These unique attributes include the highly persistent nature of PBTs in the aquatic and terrestrial environment, their rapid partitioning onto soils and sediments, their accumulation in aquatic and terrestrial food webs, and their movement over exceptionally long distances away from their application. The Agency has begun using these methods to address the potential long-term build up of these chemicals in the environment, their potential biomagnification in aquatic food webs, and their potential transport to remote regions such as the Arctic.

Second, in terms of industrial chemicals, the Agency recently announced that our office completed and released an initial set of chemical action plans which outline potential steps to address chemical risks. The chemicals selected for action plan development were chosen on

the basis of multiple factors, including available hazard, exposure, and use information; potential concern for children's health; use in consumer products; presence in human blood; persistence, bioaccumulative, and toxic characteristics; and production volume. In fact, three of the first four chemical action plans, covering polybrominated diphenyl ethers (PBDEs), long-chained perfluorinated chemicals, and short-chained chlorinated paraffins, include chemicals that are known internationally for their PBT characteristics.

We are moving forward to implement the actions in those plans and are working to develop plans for other chemicals as well, which will be announced on a regular basis in the months ahead. Further, among an array of other activities that cover PBTs in our new chemicals program, EPA has developed a policy statement that provides guidance criteria for determining persistence, bioaccumulation, and toxicity, and advises the industry about our regulatory approach, including the evaluation criteria, review process, exposure/release controls, and testing strategy for potential new PBT chemicals. EPA has also developed a computerized tool, the PBT Profiler, to help evaluate whether chemical have characteristics of persistence, bioaccumulation, and toxicity and has made this PBT Profiler available on an EPA website at www.pbtprofiler.net. Our regional office in Chicago also has a significant PBT program and our TRI program takes into account the importance or significance of PBT characteristics through lower thresholds for reporting requirements. In addition, PBTs are a major regulatory focus in the Agency's Great Lakes Water Quality Initiative, finalized in 1995. All in all, the breadth of PBT actions throughout the Agency is indicative of the importance we place on protecting human health and the environment from exposure to such harmful substances.

But given the very nature of PBTs, stand-alone action by any one country is not enough. Depending on the exposure level, these substances can pose real health and environmental risks to U.S. citizens and to people around the world because they are used and released here and in other countries and many can travel long distances from their source.

The global nature of many of these substances is why the Obama Administration identified the Stockholm Convention on Persistent Organic Pollutants, along with the Rotterdam Convention

on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, as a priority treaty for U.S. ratification. The United States was instrumental in negotiating both the Stockholm Convention and the Rotterdam Convention, each of which contributes in its own way to a healthier global environment and to a healthier America. The Stockholm Convention on Persistent Organic Pollutants (POPs) prohibits or restricts the production, use, and release of chemicals that are toxic, persist in the environment for long periods of time, bioaccumulate as they move up through the food chain, and are transported long distances in the environment, often landing far from the sources where they are released. The reduction or elimination of these POPs sources will have significant benefit to the United States and other countries around the world by reducing exposures that adversely affect human health and the environment.

The Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (PIC) was developed to promote information exchange and informed risk-based decision-making in the global movement of hazardous chemicals and pesticides. The Convention empowers governments to make their own domestic science- and risk-based decisions in an informed manner and, with regard to listed substances, obligates Parties to ensure that such substances are not exported to Parties that have not provided their consent. Additionally, for certain substances considered banned or severely restricted in the exporting country, the agreement requires the exporting government to provide export notification to the importing government. This prior informed consent regime is particularly helpful and important to developing countries that lack the capacity to enforce their own regulatory decisions.

The POPs Protocol to the Convention on Long Range Transboundary Air Pollution (the LRTAP POPs Protocol), which is similar to the Stockholm Convention, also addresses substances that are toxic, persistent, bioaccumulative, and susceptible to long range transport. However, this Protocol is regional in nature, covering the Member States of the United Nations Economic

Commission for Europe, which includes, among others, the United States, Canada, the EU, Russia, parts of the former Soviet Union, and Eastern Europe.

The United States has already taken some steps to address the risks posed by PBT substances generally, and specifically the risks posed by the PBT substances covered by the Stockholm Convention, the LRTAP POPs Protocol, and the Rotterdam Convention. But it is of utmost importance for the United States to take the final step and join these agreements. Full participation in these Conventions and this Protocol by the United States is of special importance, for example, for the people and environment of Alaska, which is impacted more than any other state by POPs transported by air and water from outside the United States. This is particularly true for Alaskan Natives, who, like many around the United States, rely heavily on traditional diets comprised of fish and wildlife.

By joining with the rest of the world to phase out or reduce the use and release of these PBTs, we protect both human health and the environment, not only for ourselves, but for the rest of the world. At EPA, we take the risks posed by these substances to our environment and public health very seriously. We are internationally recognized for our sound scientific risk assessments and regulatory decision making, and other countries look to the United States to provide strong leadership in the area of chemical safety. Our actions are respected and often replicated in other countries across the globe. But we are hampered by our lack of implementing legislation.

As your committee considers the issue of PBTs, I would stress the importance of implementing legislation that would allow the United States to join the Stockholm Convention, the Rotterdam Convention, and the LRTAP POPs Protocol. Over the past few decades, the United States has negotiated and signed international agreements that have the goal of protecting human health and the environment from toxic chemicals, but has been unable to join these agreements due to our lack of domestic legislation. The Obama Administration thinks it is time to pursue U.S. ratification of these agreements.

As part of our efforts to strengthen the Agency's chemical management regime, we have, among other actions, released a set of Administration principles to help guide legislative reform and outlined a series of ongoing and planned activities to enhance the Agency's chemical management efforts. Much of that work will encompass PBT substances and could provide an opportunity for the consideration of implementing legislation for the Rotterdam Convention, the Stockholm Convention, and the LRTAP POPs Protocol. We look forward to working with Congress, our domestic stakeholders, and the international community to strengthen both our domestic and our international actions with respect to PBT substances.

Thank you for having me here today and I'll be glad to respond to any questions you may have.