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ADVOCATES · BLUEWATER NETWORK · CITIZENS FOR A FUTURE NEW
HAMPSHIRE · MICHIGAN ENVIRONMENTAL COUNCIL**

February 14, 2002

Judith E. Ayres
Assistant Administrator for International Affairs
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Ms. Ayres:

Our environmental and public health organizations write to express our concern that the current Administration might fail to seek authority for EPA to fully implement the Stockholm Convention on Persistent Organic Pollutants (POPs). In our view, full implementation requires the ability to take domestic action not only against POPs named initially in the treaty, but also against POPs that may be added in the future.

Signed by Administrator Whitman and representatives of nearly 100 other countries last May, the Stockholm Convention targets a group of chemicals known to be detrimental to human health and to the environment. While the convention begins with an initial list of twelve POPs, including PCBs, DDT, and dioxin, it is by no means limited to that list. Negotiators from all countries agreed that the treaty should be a dynamic instrument, and set up a Persistent Organic Pollutants Review Committee to recommend additional POPs for international action using a science-based screening and risk profile process. Additional chemicals identified as POPs and agreed by all Parties to the Convention will be added to the treaty by an amendment process, with the U.S. reserving the right to "opt-in" to each amendment via a separate, subsequent ratification process.

During the treaty negotiations, the U.S. delegation acknowledged that changes to the Toxics Substances Control Act (TSCA) and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) would be necessary to enable EPA to ban the manufacture and export of the chemicals named in the treaty, and to regulate new chemicals identified as POPs pursuant to the agreed science-based process once the U.S. opts in. An interagency agreement was reached last summer on the legislative requirements for U.S. implementation, including provisions to grant EPA the ability to phase out additional POPs beyond the dirty dozen. Since then, we have read with concern several press reports that indicate a reversal by the Office of Management and Budget of this important interagency decision.

We are deeply concerned about the suggestion that the Administration is failing to follow through on its commitment to fully implement the POPs treaty. The ability, over time, to bring new POPs under the treaty's provisions is integral to its success. It is our strong view that the enabling legislation must provide authority to deal promptly and effectively with this important provision of the agreement.

The announcement by President Bush of his intention to sign and ratify this important treaty last spring received unprecedented support both from our organizations and the chemical industry. The Stockholm Convention offers a rare example of consensus in the environmental policy arena, with support from the public interest community, the chemical industry, the President, and Members of Congress on both sides of the aisle. We hope that the Administration will keep its promise to protect the health and well being of the American people from POPs by pursuing ratification of this agreement as soon as possible, and in a manner that gives EPA the necessary authority to expeditiously carry out all aspects of the agreement.

We look forward to your response and to a status report on the Administration's efforts. If we can be of assistance, please feel free to call Karen Perry at Physicians for Social Responsibility (202-667-4260, x249).

Sincerely,

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Executive Director and CEO
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