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June 12, 2020

The Honorable Roger Wicker
Chairman
Committee on Commerce, Science,
and Transportation
United States Senate
555 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Maria Cantwell
Ranking Member
Committee, on Commerce, Science
and Transportation
United States Senate
511 Hart Senate Office Building
Washington, DC 20510

Dear Chairman Wicker and Ranking Member Cantwell:

The Learning Disabilities Association of America (LDA), is a national nonprofit organization representing individuals with learning disabilities and their families and has 29 state affiliates and members in nearly every state and territory. One in 5 American children have a learning or attention disability and over 7 million children, including more than 2 million with specific learning disabilities, rely on IDEA and Section 504 to receive necessary special education supports, services, instruction and protections. The autism rate continues to rise now affecting 1 in 54 children, which nearly tripled since 2000¹. The incidence of these types of disabilities is rising every year at an alarming pace, especially for autism and ADHD.

We are writing to express our opposition to the White House nomination of Dr. Nancy Beck to Chair the U.S. Consumer Product Safety Commission (CPSC) and to urge you to oppose this nomination².

The National Academy of Sciences estimates that **environmental factors, including toxic chemicals, cause or contribute to 28% of learning and developmental disabilities in American children³**. Scientists have learned that the developing human brain is much more susceptible to toxic substances than the adult brain, and that even tiny amounts of certain chemicals can do lasting harm to the developing brain, at levels that were once thought to be safe.

LDA's Healthy Children Project was established in 2002 to eliminate the preventable causes of neurological disabilities, particularly chemical exposures, and reduce the incidence of neurological disabilities in future generations.

The U.S. Consumer Product Safety Commission (CPSC) is the key federal agency that is charged with protecting the public from consumer products that pose dangers, including from chemical, fire, electrical, and mechanical hazards⁴. They regulate over 15,000 different consumer products, including most products in our homes.

The CPSC is governed by a bipartisan commission of five commissioners with staggered terms. The Chair is currently vacant, and Nancy Beck has been nominated to be the Chair. She now serves at the Office of Management & Budget after spending years in the chemical safety office of the Environmental Protection Agency. Prior to that, she was a high-ranking senior executive for the American Chemical Council.

Sadly, Nancy Beck has a history of not protecting our health, and even worse, has used her positions to prevent other public officials from doing more to protect children and adults with learning disabilities from harm.

- While at the EPA, Beck overrode the agency staff and rewrote rules under the Toxic Substances Control Act (TSCA)⁵ to ignore exposures to lead from pipes and paint because they are no longer used in new products, and other chemicals when deciding whether they pose an “unreasonable risk” to health. *Her approach was rejected⁶ by a Federal Court of Appeals⁷ – in a case brought by the LDA and other environmental and health organizations – for violating the health protective requirements of the law.*
- Beck also directed EPA staff to ignore that people are exposed⁸ to neurotoxic chemicals from polluted drinking water, air and soil when evaluating whether the contaminant chemicals pose an unreasonable risk to health. That approach dramatically underestimates the impacts of exposure to those chemicals – particularly for infants, children and vulnerable communities. The agency refused to change its approach, despite criticism from the EPA’s own Science Advisory Committee which noted that consumer exposures including drinking water, air pollution, and other environmental releases exposures should be included⁹.
- Beck has withheld needed protections for children¹⁰, workers¹¹, and rural communities¹² by blocking the proposed ban¹³ on brain-damaging pesticide chlorpyrifos¹⁴. EPA Administrator Andrew Wheeler said EPA blocked the ban because it questioned the link between chlorpyrifos and brain damage, despite the strong scientific evidence cited by EPA’s own scientists. EPA’s failure to ban chlorpyrifos is currently undergoing legal challenge by health groups including the Learning Disabilities Association of America and some of our state affiliates.
- Beck has rejected needed protection for children by refusing to ban the use of a brain-damaging pesticide (TCVP)¹⁵ in pet products, including flea collars and shampoos. A federal court recently ordered¹⁶ EPA to respond to a petition to ban the use of TCVP in pet products.
- Beck delayed children’s protections for lead by failing to update the hazard standard for lead paint¹⁷ – contrary to federal court order.

This pattern of decisions demonstrates that Nancy Beck has a clear history of not protecting the health of families. If confirmed by the U.S. Senate for a position of much greater authority, Nancy Beck will Chair the CPSC for seven years, and be able to not only block our efforts to protect our members, but to repeal existing protections as well.



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For all the above reasons we ask you to oppose Nancy Beck's nomination to the Consumer Product Safety Commission.

Respectfully,

Tracy Gregoire,
Healthy Children Project Director
Learning Disabilities Association of America

Matthew Talley, President
Learning Disabilities Association of Alaska

Tamara Massey, President
Learning Disabilities Association of Alabama

Brittany Franklin, MSE ECSE, Healthy Children Project Coordinator
Learning Disabilities Association of Arkansas

Gregg French, President
Learning Disabilities Association of Connecticut

Cathy Einhorn, President
Learning Disabilities Association of Florida

Carolyn Kingsley, Healthy Children Project Volunteer
Learning Disabilities Association of Georgia

Bev Johns, President
Learning Disabilities Association of Illinois

Penny Richards, President
LDA of Illinois Kane/Kendall Chapter

Patty Useem, President
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Amy Barto, Healthy Children Project Coordinator
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Pam Smith, Healthy Children Project Coordinator
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Gaylia Tanner, Healthy Children Project Coordinator
Learning Disabilities Association of Utah

Dr Louis Allen MD, FAAP, MPH
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Diane Sixel, President
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- ¹ John Hopkins Bloomberg School of Public Health <https://www.jhsph.edu/news/news-releases/2020/us-autism-rates-up-10-percent-in-new-cdc-report.html> and Center for Disease Control <https://www.cdc.gov/ncbddd/autism/data.html>, March 2020
- ² White House Press Release. President Donald J. Trump Announces Intent to Nominate and Appoint Individuals to Key Administration Posts. Issued on: March 2, 2020, <https://www.whitehouse.gov/presidential-actions/president-donald-j-trump-announces-intent-nominate-appoint-individuals-key-administration-posts-32/>
- ³ Scientific Frontiers in Developmental Toxicology and Risk Assessment, Executive Summary, http://www.nap.edu/openbook.php?record_id=9871&page=1, National Academy of Sciences Committee on Developmental Toxicology
- ⁴ <https://www.cpsc.gov/About-CPSC>
- ⁵ <https://www.nytimes.com/2017/10/21/us/trump-epa-chemicals-regulations.html>
- ⁶ <https://www.nrdc.org/experts/trump-epas-industry-friendly-tsca-policy-starts-unravel>
- ⁷ <https://www.nrdc.org/sites/default/files/tsca-opinion-20191114.pdf>
- ⁸ <https://www.nytimes.com/2018/06/07/us/politics/epa-toxic-chemicals.html?action=click&module=RelatedLinks&pgtype=Article> and <https://www.documentcloud.org/documents/4495888-Problem-Formulations.html>
- ⁹ Toxic Substances Control Act (TSCA) Science Advisory Committee on Chemicals (SACC) meeting, July 2019. Peer Review of the Draft Risk Evaluations for HBCD and 1,4-Dioxane October 2019, <https://www.epa.gov/tsca-peer-review/peer-review-draft-risk-evaluations-hbcd-and-14-dioxane>
- ¹⁰ <https://www.nrdc.org/experts/miriam-rotkin-ellman/epa-toxic-pesticide-fruitsveggies-puts-kids-risk>
- ¹¹ <https://energycommerce.house.gov/sites/democrats.energycommerce.house.gov/files/documents/Giev%20Kashkooli%20TestimonyPESTICIDES031319.pdf>
- ¹² <https://www.nytimes.com/2019/12/17/opinion/chlorpyrifos-pesticide.html>
- ¹³ <https://www.nytimes.com/2019/07/18/climate/epa-chlorpyrifos-pesticide-ban.html>
- ¹⁴ <http://www.panna.org/resources/chlorpyrifos-facts>
- ¹⁵ <https://www.nrdc.org/experts/miriam-rotkin-ellman/no-more-poisons-pets-epa-must-act>
- ¹⁶ <https://www.nrdc.org/sites/default/files/court-opinion-tcvp-20200422.pdf>
- ¹⁷ <https://earthjustice.org/news/press/2019/groups-sue-over-botched-lead-hazard-rule>