

# Chemical firms grilled about flame retardants

Senators allege industry misused science, gave misleading testimony

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**BY MICHAEL HAWTHORNE**

WASHINGTON — The world's leading manufacturers of flame retardants faced scathing criticism Tuesday from U.S. senators angered by what they called the industry's misuse of science, misleading testimony and creation of a phony consumer group that stoked the public's fear of house fires.

Sen. Barbara Boxer, a California Democrat who chairs the Senate Environment and Public Works Committee, pointedly asked one chemical company official: "Don't you owe people an apology?"

The hearing, prompted by a Tribune investigative series, quickly turned into a forum for tough questions about the industry's talking points on science and its political tactics.

"I don't trust these companies to tell the truth about their chemicals," said Hannah Pingree, a former speaker of the Maine House of Representatives who testified about her battles with an industry front group during debates about banning certain flame retardants in her state. "I don't think the American public or U.S. senators should either."

But a top official from one of the companies steadfastly repeated the industry's position that flame retardants are saving lives and are not harmful. The official also defended industry-funded efforts to influence policy in Washington and before state legislatures.

"As a scientist and also as a father, I think in terms of looking at the risk of fires versus other risks in society. We can't forget the risk of fires," said Marshall Moore, director of technology, advocacy and marketing for Philadelphia-based Chemtura Corp.

The Tribune series, published in May, revealed how the tobacco and chemical industries engaged in a deceptive, decades-long campaign to promote the use of flame-retardant chemicals in household furniture, electronics, baby products and other goods.

Those efforts have helped load American homes with pounds of toxic chemicals linked to cancer, neurological deficits, developmental problems and impaired fertility. A typical American baby is born with the highest recorded concentrations of flame retardants among infants in the world.

Tuesday's hearing featured several sharply worded exchanges between senators and representatives of Chemtura, Albemarle Corp. and ICL Industrial Products, which combined control 40 percent of the world market for flame retardants. Boxer and other Democrats, including Sheldon Whitehouse of Rhode Island, and Jeff Merkley of Oregon, hammered the companies for creating a front group dubbed the Citizens for Fire Safety Institute.

Majority Democrats on the Senate panel said the Tribune series revived legislation that for the first time since 1976 would overhaul the way toxic chemicals are regulated in the U.S.

Current law allows chemical companies to put their products on the market

without proving they are safe and makes it difficult to ban chemicals after health effects are documented. A committee vote, scheduled for Wednesday, would be the farthest that proposed reforms have advanced in Congress.

But the chemical industry opposes the legislation, and Republicans on the committee have signaled they will not support it, even after sponsoring lawmakers made changes in a bid to assuage opponents.

“Most of the thousands of chemicals that are used every day are safe,” said Sen. Frank Lautenberg, a New Jersey Democrat who has sponsored versions of the measure since 2005. “This bill will separate those safe chemicals from the ones that are not.”

Republicans said that calling for a vote now disrupts behind-the-scenes negotiations on a new version of the bill. Industry lobbyists have suggested some changes in those meetings but have stopped short of going through the bill line by line as Democrats urged them to do.

Echoing the Republican senators, the American Chemistry Council, the industry’s leading trade group, said Tuesday it “continues to support bipartisan reform ... so that the law will protect health and safety while ensuring U.S. manufacturers can innovate and compete globally.”

Moore, the Chemtura official, said a sharp decline in furniture fires since 1980 “coincided” with the increased use of flame retardants in furniture foam.

But government experts say declining smoking rates and increased use of smoke detectors have played major roles in reducing fire deaths and damage. And recent studies by the Consumer Product Safety Commission and Underwriters Laboratories found that flame retardant chemicals in furniture cushions provide no meaningful protection from fires.

During his testimony, Moore cited a government study from the 1980s as proof that flame retardants save lives. But as the Tribune previously reported, the study’s lead author, Vytenis Babrauskas, says the industry has misrepresented his findings and that the amount of flame retardants used in household furniture doesn’t work.

“Don’t you think it’s time the chemical industry stopped grossly distorting the study’s findings?” Boxer said.

“With all due respect, Senator, we did not distort the findings of that study,” Moore said.

“The author says you did,” Boxer shot back. “Who is a better source?”

Moore and Republican lawmakers cited another study that they said underscores the effectiveness of flame-retardant chemicals. Babrauskas, a former government fire expert, told the Tribune this week that he considers that unpublished study “propaganda.”

Moreover, there is new evidence that the part of the research cited by industry lobbyists involved specially made furniture that is not found in American homes.

Heather Stapleton, a Duke University chemist, said after the hearing that she tested samples of the foam and cover fabric that she described as identical to the types used in the research. She determined that the foam contained levels of a flame retardant that were twice as high as the amount typically found in residential furniture.

She said she also found that the cover was treated with a different flame retardant. Residential furniture typically is not covered with fabric treated with flame-retardant chemicals, according to furniture industry officials.