

May 29, 2009

Administrator Lisa Jackson  
U.S. Environmental Protection Agency  
Ariel Rios Federal Building  
1200 Pennsylvania Ave., NW  
Washington DC 20460

Dear Ms. Jackson:

On behalf of Public Employees for Environmental Responsibility (PEER), I am writing you to ask that you to take immediate action to safeguard the health of children.

Every year millions of pounds of tires are recycled into ground rubber, sometimes called "tire crumb", and placed on playgrounds to reduce injuries from falls. Both the U.S. Environmental Protection Agency EPA and the U.S. Consumer Product Safety Commission have endorsed the use of tire crumb for years but neither agency ever investigated the potential toxicity to children from direct contact with tire ingredients, such as arsenic, cadmium, chromium, mercury and a number of dangerous hydrocarbons.

In response to growing concerns expressed by EPA scientists, various arms of your agency have met in recent months to review the available literature. These reviews have concluded that EPA lacks the information to assess the extent of childhood exposure from ingestion or inhalation of an array of toxic chemicals found within tires. Despite this admitted knowledge gap, EPA continues to endorse use of tire crumb, which is increasingly being marketed for backyard use.

According to documents that PEER has obtained from your agency under the Freedom of Information Act, EPA plans to conduct its first field monitoring studies on tire crumb exposure issues. Yet these documents concede that these studies will be very limited and will leave many questions unanswered.

Disturbingly, EPA has refused to release documents to PEER describing the status of the agency's proposed limited field studies, claiming that they were "internal deliberations" exempt from release under FOIA Exemption (b) (5). This determination, reflected in an April 16, 2009 letter to PEER signed by Ruth McCully, Director of the EPA Office of Children's Health Protection and Environmental Education, suggests that a final decision has still not been reached on whether to proceed with the outlined studies.

Nor has EPA scheduled a workshop proposed by agency official in June 2008 with states

and other federal agencies to coordinate research and health monitoring.

Frankly, our concern is that EPA is not acting on this issue with deliberate speed to protect children's health. PEER requests that you take expeditious action. At a minimum, PEER urges that you –

- Revoke EPA's endorsement of tire crumb until the research has concluded that it is safe for children;
- Issue an interim public health advisory; and
- Outline a coordinated approach, working with other agencies, for assessing risk.

In addition, EPA should consider the example of the European Union which has prohibited the manufacture of tire with certain harmful hydrocarbon ingredients as a way to limit risks from all uses of recycled tires.

PEER is hopeful that you will take swift and prudent action on this issue to protect children's health. We would appreciate a response indicating what course of conduct EPA will pursue.

Sincerely,

Jeff Ruch  
Executive Director