


# Results

The “Playing With Fire” series prompted swift action from lawmakers, regulators and manufacturers.

 <p><b>State of California</b></p>	<p>Gov. Jerry Brown announced the state would scrap the rule responsible for flame retardants’ presence in furniture nationwide. The new rule — the de facto national standard — is expected to take effect this summer. It will make flame retardants unnecessary in furniture and many baby products sold nationwide for the first time since 1975.</p>
<p><b>U.S. Senate</b></p> 	<p>The Tribune series prompted two Senate hearings, including one in which senators assailed executives from the world’s largest manufacturers of flame retardants. “Don’t you owe people an apology?” California Sen. Barbara Boxer asked. Also, a key Senate committee approved toxic reform legislation — the first time since 1976 that comprehensive changes to the Toxic Substances Control Act made it out of committee. Twenty-six senators also sent a letter to the EPA asking for quick action.</p>
<p><b>Federal regulators</b></p> 	<p>The Environmental Protection Agency announced it would conduct a broad investigation of flame retardants, and, in response to Tribune-sponsored lab testing, the Consumer Product Safety Commission said it would test babies’ exposure to flame retardants from crib mattresses.</p>
<p><b>Citizens for Fire Safety</b></p> 	<p>After the Tribune revealed Citizens for Fire Safety was a front group for manufacturers of flame retardants, the industry shut down the group. The Tribune also showed how the group’s star witness, burn surgeon David Heimbach, testified about fatally burned babies who did not exist. In response, the University of Washington, where Heimbach taught for years, admonished him for his testimony.</p>
<p><b>Industry</b></p> 	<p>Facing a tougher regulatory climate, the two largest manufacturers of a flame retardant linked to cancer vowed to end production. After Tribune testing found significant amounts of flame retardants in its products, retailer Wayfair said it would stop selling Angeles mattresses, popular at child-care centers.</p>
<p><b>Advocates</b></p>	<p>More than 100 nurses, mothers and cancer survivors marched on Capitol Hill for tougher regulations.</p>
<p><b>State lawmakers</b></p>	<p>Forty-six state legislators from 13 states asked the U.S. Senate to act. Twenty-one legislators sent a similar letter to the industry’s leading trade group.</p>

# Calls for reform

Playing With Fire inspired columnists and editorial boards around the nation to press for new laws and regulations that would better protect Americans from exposure to unnecessary toxic chemicals. **Nicholas Kristof of The New York Times** called for broad reforms: “The lesson is that we need not only safer couches but also a political system less distorted by toxic money.”

NICHOLAS D. KRISTOF

## Are You Safe on That Sofa?

**I**F you want a case study of everything that is wrong with money politics, this is it.

Chances are that if you're sitting on a couch right now, it contains flame retardants. This will probably do no good if your house catches fire — although it may release toxic smoke. There is growing concern that the chemicals are hazardous, with evidence mounting of links to cancer, fetal impairment and reproductive problems.

For years, I've written about this type of chemical, endocrine disruptors, but The Chicago Tribune has just published a

*The story of flame retardants: a toxic mix of money and politics.*

devastating investigative series called “Playing With Fire” that breaks vast new ground. It is superb journalism.

It turns out that our furniture first became full of flame retardants because of the tobacco industry, according to internal cigarette company documents examined by The Tribune. A generation ago, tobacco companies were facing growing pressure to produce fire-safe cigarettes, because so many house fires started with smoldering cigarettes. So tobacco companies mounted a surreptitious campaign for flame retardant furniture, rather than safe cigarettes, as the best way to reduce house fires.

The documents show that cigarette lobbyists secretly organized the National Association of State Fire Marshals and then guided its agenda so that it pushed for flame retardants in furniture. The fire marshals seem to have been well intentioned, but utterly manipulated.

An advocacy group called Citizens for Fire Safety later pushed for laws requiring fire retardants in furniture. It de-

scribes itself as “a coalition of fire professionals, educators, community activists, burn centers, doctors, fire departments and industry leaders.”

But Citizens for Fire Safety has only three members, which also happen to be the three major companies that manufacture flame retardants: Albemarle Corporation, ICL Industrial Products and Chemtura Corporation.

Citizens for Fire Safety paid a prominent Seattle physician, Dr. David Heimbach, who testified in some states in favor of flame retardants. Dr. Heimbach, the former president of the American Burn Association, told lawmakers stories of children who had burned to death on cushioning that lacked flame retardants.

According to The Tribune, Dr. Heimbach made these stories up. Dr. Heimbach told me that the stories were real, with details changed to protect the survivors' privacy. He said he testified for flame retardants because he believed in them, not because of money he received.

The problem with flame retardants is that they migrate into dust that is ingested, particularly by children playing on the floor. R. Thomas Zoeller, a biologist at the University of Massachusetts, told me that while there have been many studies on animals, there is still uncertainty about the impact of flame retardants on humans. But he said that some retardants were very similar to banned PCBs, which have been linked to everything from lower I.Q. to diabetes, and that it was reasonable to expect certain flame retardants to have similar consequences.

“Despite all that we have learned about PCBs, we are making the same mistakes with flame retardants,” he said.

Linda Birnbaum, the top toxicologist at the National Institutes of Health, put it to me this way: “If flame retardants really provided fire safety, there would be reason for them in certain circumstances,

like on an airplane. But there's growing evidence that they don't provide safety and may increase harm.”

Arlene Blum, a chemist at the University of California, Berkeley, told me, “For pregnant women, they can alter brain development in the fetus.” Her research decades ago led to the removal of a flame retardant, chlorinated Tris, from children's pajamas. But chlorinated Tris is still used in couches and nursing pillows (without any warning labels).

The European Union has banned one common flame retardant, Deca BDE, and has generally been more willing to regulate endocrine disruptors than the United States. Why the difference?

“The money is jingling,” notes Senator Frank Lautenberg, a Democrat of New Jersey. Lautenberg has introduced legislation, the Safe Chemicals Act, that would tighten controls — but it has gotten nowhere.

It's not easy for a democracy to regulate technical products like endocrine disruptors that may offer great benefits as well as complex risks, especially when the hazards remain uncertain. A generation ago, Big Tobacco played the system like a violin, and now Big Chem is doing the same thing.

This campaign season, you'll hear fervent denunciations of “burdensome government regulation.” When you do, think of the other side of the story: your home is filled with toxic flame retardants that serve no higher purpose than enriching three companies. The lesson is that we need not only safer couches but also a political system less distorted by toxic money.

•  
A correction: My column on Thursday misstated the hometown of Paulina Puskala. It is Marquette, Mich.

■ “Now that the Tribune's credible report has laid out the facts, California can't ignore them,” the **San Jose Mercury News editorial board** wrote in urging lawmakers to update fire-safety standards.

■ Citing the Tribune's “devastating piece of investigative reporting,” **Newsday editorial board** member Bob Keeler urged lawmakers in his state to ban the sale of children's products containing a popular flame retardant.

■ **Bloomberg's editorial board** pushed for changes at the EPA: “The agency's inadequate oversight of flame retardants, as revealed in a recent series of articles in the Chicago Tribune, illustrates the perils of weak federal rules.”

# Reach and reaction

“Playing With Fire” made an impression far beyond the Tribune’s Chicago-area readership. Blogs singled it out for praise, with Columbia Journalism Review’s Ryan Chittum concluding “this is how newspaper journalism ought to be done.”

■ **Columbia Journalism Review:** “The *Trib*’s series is a devastating piece of muckraking that shows how the chemical industry misleads lawmakers and the public to protect a cash cow.... The paper hits the chemical industry and the folks on its payroll hard, comes to a clear conclusion, and uses pointed language that amplifies the impact.... It doesn’t futz around with he said/she said. It just out and out says that flame retardant in household products ‘doesn’t work.’ The paper calls it like it sees it and makes a convincing case that it has it right.”

■ **Norman Lear** used the series to skewer chemical executives in a Huffington Post satirical piece. “These charges have to be hogwash! Just another cheap shot against Big Business.”

**COLUMBIA JOURNALISM REVIEW**  
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## The Audit

on the business press

The Audit — May 21, 2012 11:07 AM

### The *Chicago Tribune* lights up the flame-retardant industry

An outstanding investigation show how chemical companies preserve a toxic cash cow  
By Ryan Chittum

TAGS: Chemicals, Chicago Tribune, Flame Retardants, Lobbying, Propaganda

One Page Print Email Comments

A tremendous *Chicago Tribune* investigation into flame-retardant chemical manufacturers shows how they push their poisons on an unsuspecting public despite repeated findings that their products do nothing to prevent or delay fires. It’s a sordid tale of powerful corporations, paid shills, and legislative and regulatory impotence—one of the best examples I’ve seen of how private special interests dominate the public interest.

The *Trib*’s series is a devastating piece of muckraking that shows how the chemical industry misleads lawmakers and the public to protect a cash cow.

This is how newspaper journalism ought to be done. The paper hits the chemical industry and the folks on its payroll hard, comes to a clear conclusion, and uses pointed language that amplifies the impact.

The *Tribune* calls the chemical industry’s push “a decades-long campaign of deception” that “manipulated scientific findings” with “flaws so basic they violate central tenets of science,” and created a “phony consumer watchdog,” a “front” that has “misrepresented itself.” It doesn’t futz around with he said/she said. It just out and out says that flame retardant in household products “doesn’t work.” The paper calls it like it sees it and makes a convincing case that it has it right.

The entire series is fantastic, but let’s focus on *one piece*, about how a prominent burn surgeon has pulled heartstrings for the industry with stories of burned children who could have been saved if their furniture had contained flame retardants. The *Tribune* shows that the surgeon’s stories are fabricated and false. Here’s the lede:

Dr. David Heinbach knows how to tell a story.

January 15, 2013

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**Norman Lear**  
Founder, People for the American Way

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Posted: 05/22/2012 8:59 am

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# Reach and reaction

■ **The Atlantic:** “For us, the article hit the sweet spot of essential public service that also provides for a read as entertaining as a *Law & Order* episode.”

■ **Knight Science Journalism:** The stories “provide one of the best (albeit depressing) looks at the way industry manipulates our understanding of scientific research.”


■ **Boing Boing:** “The Tribune has also done a very good job of documenting both the existence and history of a pattern of corporate lies and manipulation.”



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## Flame Retardant Furniture Won't Save Your Imaginary Baby



ERIC RANDALL | 376 Views | MAY 7, 2012

The Chicago Tribune has a big story out about the decades-long lobbying campaign for fire retardant products that has ignored their health hazards while pushing products that don't actually

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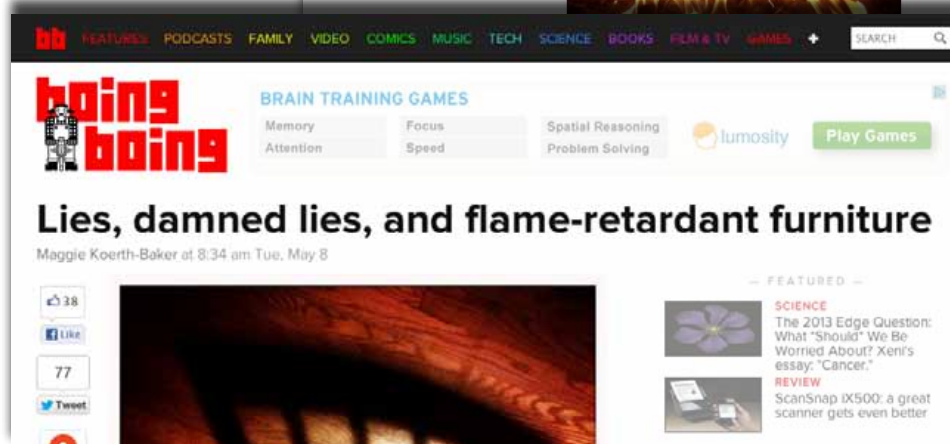

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Peer review within science journalism

9 MAY 2012

### Pants on Fire: The Chicago Tribune Retardants

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Author: Deborah Blum  
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## Lies, damned lies, and flame-retardant furniture

Maggie Koerth-Baker at 8:34 am Tue, May 8

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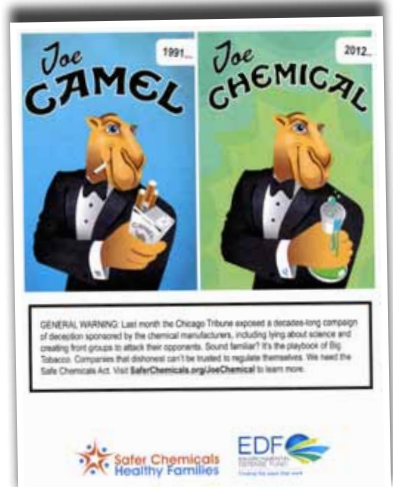
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SCIENCE  
The 2013 Edge Question: What "Should" We Be Worried About? Ken's essay: "Cancer."

REVIEW  
ScanSnap iX500: a great scanner gets even better

# Reach and reaction

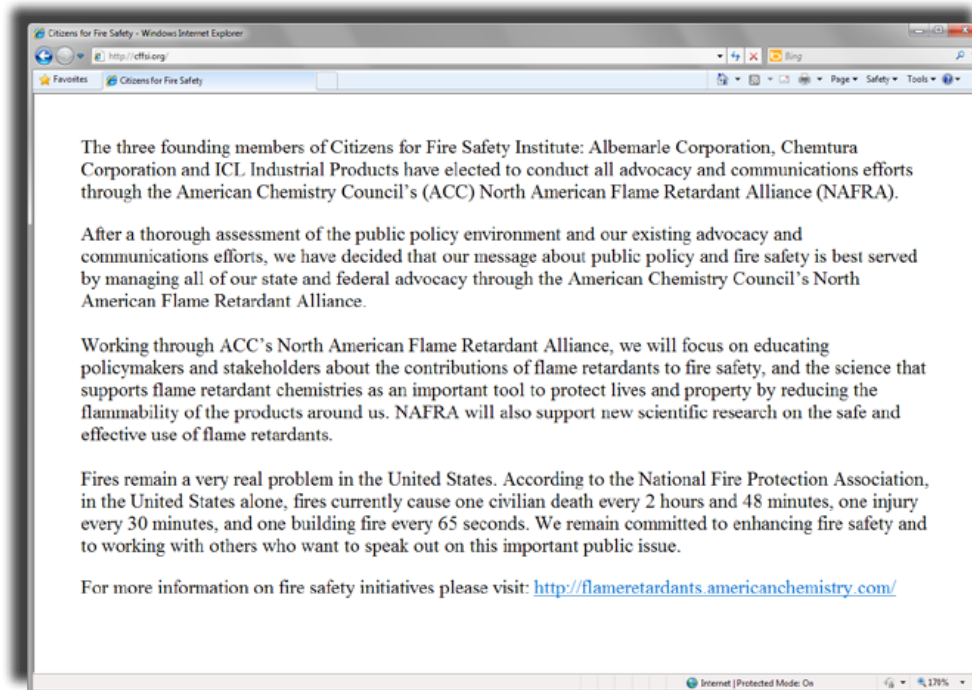
Newspapers in 16 states republished parts of the series in their print or online editions; The Oregonian, for instance, ran the first four parts on the front page.



**This ad — created by advocates — ran in Politico:** “Last month the Chicago Tribune exposed a decades-long campaign of deception sponsored by the chemical manufacturers, including lying about science and creating front groups to attack their opponents. Sound familiar? It’s the playbook of Big Tobacco.”

# *Citizens for Fire Safety Institute shuts down*

Shortly after the Tribune series was published,  
the chemical industry closed the group and its website ([cffi.org](http://cffi.org)).



# Reader response

Readers from across the country sent notes of gratitude to the Tribune. Among them were doctors, researchers and professors who praised the thoroughness of the reporting.

Congratulations on a stunning piece of journalism. I was outraged in just the first five paragraphs. Think of the number of people that will be touched and affected by your work.

— *Chris Taschler Hegg*

You've done a tremendous justice for us all.

— *Carol Rosskam, Needham, Mass.*

This should be a journalism school standard case study of what investigative journalism is all about.

— *Lewis R. Elin, Chicago, Ill.*

Democracy depends upon deep, intellectually serious journalism. Thank you for your fine work today.

— *Catherine M. Wallace, Ph.D.*

The Tribune will definitely will make a difference in millions of lives.

— *Paul Laudick*

Your story demonstrates why we need newspapers and newspaper reporters doing what they do best — raking muck.

— *Rollin Olson*

The best print investigative reporting I have seen in a long while.

— *Adele Simmons, former president of the MacArthur Foundation and former Boston Globe board member*

If you people keep this type of reporting up, we might see an increase in newspaper readership.

— *Donald McLaren*

You could all be responsible for healthier people and even saving lives.

— *Anne Wisniewski, Smithsburg, Md.*

Thank you for the outstanding series. It is great journalism that is unfortunately rare these days.

— *Jeff Mark*

This is the kind of muckraking article that makes my subscription worthwhile.

— *Mad Bjerre*

Keep up the fine work exposing such deception on the American public.

— *John Wallace, Mill Valley, Calif.*

I had absolutely no idea that fire retardants were a sham. Thank you so much for bringing this to our attention.

— *Marlene Grossman*

The investigative series on flame retardants is extraordinary.

— *John Peterson Myers, Ph.D., Carnegie Mellon University*

Bravo! Bravo! Bravo! The investigative journalism by Tribune reporters Sam Roe and Patricia Callahan is the best I have ever read.

— *Thomas A. Braun, founder, N2E Health Education Foundation*

A great series! It is about time that we see old-time, dig-out-the-facts kind of journalism. I'm getting a subscription to the Chicago Tribune.

— *Dushan Lipensky*

I am a scientist fiercely concerned about the danger of fire retardants. Thanks for your excellent investigative reporting.

— *David Epel, professor emeritus of biological and marine sciences, Hopkins Marine Station, Stanford University*

I live in central Pennsylvania and my local daily recently picked up your series on flame retardants, and I just wanted to compliment you on your excellent reporting and writing. Great work, and I wanted you to know it is even making it out to the boonies.

— *Angela Sommers*

I read your story today with great enthusiasm. The description of the California lobbying abuse is extraordinary. The steps and tools of this particular special interest group is an education in dark politics.

— *Jim Conway*

I just wanted to tell you how much I am enjoying your articles. It is fascinating, sickening and scary.

— *Tim Fahey*

Thank you for your wonderful article on flame retardants. This was quite eye-opening. You really did your homework and followed the money and corruption.

— *Jeremy Youse, MD, Champaign, Ill.*

That is not an easy story to come to grips with or explain concisely, and you did both quite well. Lawyers like me can learn from good reporters.

— *Gary DiMuzio*

Excellent articles explaining the issues in an exciting way.

— *Peter Orris, MD, University of Illinois at Chicago School of Public Health*

I commend you on the above-mentioned article in the Chicago Tribune. For our world to become more sustainable, indeed, we need such investigative reporting.

— *Hugo Skoppek, The Netherlands*

This is one of the most thorough coverage of an issue that I have seen in all my years of consuming media coverage. It is simply an astounding review of what, at least to me, has been a story largely hidden from view.

— *Ron Gafron, Hoffman Estates, Ill.*



# chicagotribune.com/flames

The Tribune's website featured original documents and testimony cited in the series as well as videos of the reporters discussing the findings.

Chicago Tribune Investigations with impact Maps & apps


## TRIBUNE WATCHDOG PLAYING WITH FIRE

### Chemical companies, Big Tobacco and the **toxic products** in your home


The average American baby is born with 10 fingers, 10 toes and the highest recorded levels of flame retardants among infants in the world. The toxic chemicals are present in nearly every home, packed into couches, chairs and many other products. Two powerful industries — Big Tobacco and chemical manufacturers — waged deceptive campaigns that led to the proliferation of these chemicals, which don't even work as promised.

▶ Watch the introduction

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#### INDUSTRY DECEPTION




##### Part one: Torching the truth

As evidence of health risks piled up, makers of flame retardants created a phony consumer watchdog that misled lawmakers and the public, stoking the fear of fire. [Read >](#)

- Tests call effectiveness of flame retardants question


#### TOBACCO'S CLOUT



##### Part two: 'Our fire service friends'

With cigarettes starting deadly fires, tobacco companies created a new scapegoat — the fire service — and invested in a national group of fire officials that would deliver the message. [Read >](#)


#### DISTORTING SCIENCE



##### Part three: 'Flat-out deception'

Companies that make flame retardants say their products prevent fire deaths and injuries, but the research they often cite is either seriously flawed or grossly misrepresented.

#### TOXIC ROULETTE



##### Part four: 'Why do we not learn?'

Regulators have allowed generation after generation of flame retardants onto the market without thoroughly assessing the health risks. One touted as safe is now turning up in wildlife around the world. [Read >](#)

- Reform efforts tied up in Washington

#### Documents

### Big Tobacco's playbook

These records help illustrate the cigarette industry's sophisticated campaign to befriend firefighting officials and deflect controversy over cigarette fires. By fending off requirements for "fire-safe" cigarettes and refocusing attention on flammable furniture, Big Tobacco helped fuel the widespread use of flame retardants in upholstered couches and chairs.

- A Philip Morris researcher traces the earliest calls for fire-safe cigarettes to the 1920s. The company didn't introduce a self-extinguishing cigarette until 2000. [Q](#)
- Big Tobacco's public relations consultant Burson-Marsteller warns in 1980 that "sales could be dramatically affected" if fire-safe cigarette laws pass. [Q](#)
- Tobacco executives had a two-pronged defense — insisting they couldn't make a fire-safe cigarette and shifting the focus to the furniture that burned — but executives voice concern that they were failing to combat "fire scarred victims." [Q](#)
- The consulting company TriData suggests that establishing a fire safety program would improve tobacco's image and "provide a strong base from which to present industry views." [Q](#)
- Fire-safety groups courted by Big Tobacco became allies in the industry's fight against laws on fire-safe cigarettes. So successful was the strategy that a Philip Morris executive cites it as an example of how to neutralize enemies. [Q](#)
- Peter Sparber, a former Tobacco Institute executive, helps organize the National Association of State Fire Marshals and bills the Tobacco Institute \$200 an hour for what the marshals thought was volunteer work. The marshals shared a Washington office with Sparber and put him on the organization's letterhead. [Q](#)
- Sparber helps the National Association of State Fire Marshals ask the U.S. Consumer Product Safety Commission for national rules requiring flame-retardant furniture. [Q](#)
- The National Association of State Fire Marshals' petition to the U.S. Consumer Product Safety Commission for flame-retardant furniture plays a key role in Big Tobacco's efforts to delay rules requiring fire-safe cigarettes by shifting focus to the furniture fueling fires rather than the cigarettes that were

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BREAKING NEWS AT CHICAGOTRIBUNE.COM

TRIBUNE WATCHDOG UPDATE PLAYING WITH FIRE

## Findings spur calls to action

Tribune series prompts lawmakers, activists to target flame retardants

By MICHAEL HAWTHORNE, SAM ROE AND PATRICIA CALLAHAN  
Tribune reporters

In New York state, lawmakers are moving to ban a cancer-causing flame retardant from chil-

dren's products. At the U.S. Capitol, more than 100 nurses, mothers and cancer survivors marched for tougher federal regulation of the chemicals. And in Washington state, environmental groups are calling for a crackdown on a popular

flame retardant. Since the Tribune published its "Playing With Fire" series, momentum has been building for stricter oversight of flame retardants and other toxic chemicals. The newspaper's investigation documented a deceptive campaign by industry that distorted science, created a phony consumer watchdog group to stoke the fear of fire and organized an association of top fire officials to

advocate for greater use of flame retardants in furniture and electronics. Promoted as lifesavers, flame retardants added to furniture cushions actually provide no meaningful protection from fires, according to federal researchers and independent scientists. Some of the most widely used chemicals are linked to cancer, neurological deficits, developmental problems and impaired fertility.

"Your series was an eye-opener," said Joseph Erdman, legislative director for the New York Senate Committee on Environmental Conservation. "We hope other people around the state and nation read it."

The committee has revived legislation targeting a chemical known as chlorinated tris, or TDCPP, that was voluntarily tak-

Please turn to Page 6

So few kids have giant axonal neuropathy that a therapy isn't researched, leaving the patients' parents to hire their own scientists



Gelse Tkalec plays with her son Ethan, 8, before his pool therapy. "After Ethan was diagnosed, people would say to us, 'Don't worry, they'll find a cure,'" his mother said. "And I'd say, 'You don't understand ... there is no 'they.' We are the 'they.'"

## Rare disease, rare dedication

By BONNIE MILLER RUBIN  
Tribune reporter

When it comes to advocating against her 8-year-old son's serious illness, Gelse Tkalec is on a much lonelier path than those strewn with pink ribbons and yellow bracelets.

There are only 25 to 30 children worldwide known to have giant axonal neuropathy, or GAN, the disease that afflicts her son, Ethan.

The disease damages the nerve pathways that carry signals to the brain and from the brain to the muscles, claiming most victims by early adulthood. The suburban Riverside boy must use a wheelchair, has difficulty swallowing and will get a feeding tube next month.



Ethan, one of about 30 kids with the disorder, and physical therapist assistant Tami Wieringa blow plastic eyeballs across the pool.

Eventually, he will be bedridden, trapped inside a failing body. "After Ethan was diagnosed, people would say to us, 'Don't worry, they'll find a cure,'" Tkalec said. "And I'd say, 'You don't understand ... there is no

'they.' We are the 'they.'"

With so few afflicted with the disease, pharmaceutical and biotech companies have little financial incentive to study it. So parents such as Tkalec and others have taken it upon themselves to recruit scientists, underwrite clinical trials and raise money and awareness.

So far, they have funneled thousands of dollars to a few select scientists, including to a cellular biologist at Northwestern University's Feinberg School of Medicine, to accelerate the glacial pace of biomedical research in time to rescue their children. In essence, they've hired their own personal research team.

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## Iran, U.N. nuclear deal may be 'soon'

Watchdog expects inspections to resume; U.S., Israel have doubts

By PAUL RICHTER  
Tribune Washington Bureau

AMMAN, Jordan — The United Nations' atomic watchdog agency announced Tuesday that it is close to a deal giving inspectors access to some of Iran's disputed nuclear sites, providing a dose of optimism as diplomats prepared for new talks to overcome their standoff with the Islamic Republic.

Yukiya Amano, director general of the International Atomic Energy Agency, said he expected to sign a deal with Iran "quite soon." He spoke to reporters in Vienna after returning from Tehran — the first time Iranian officials had been willing to meet with him in their capital since he became head of the agency in 2009.

Amano, who has pressed hard for Iran to provide better access to its nuclear sites and personnel, told reporters he considered the deal to be "an important development," according to a transcript released by the agency.

The news came as diplomats from the U.N., the United States and five other major powers prepared to meet this week in Baghdad with Iranian officials for negotiations over Iran's nuclear ambitions.

Taken together, the developments appeared to ratchet down tensions over the Iranian nuclear situation.

For months, talk of war has dominated discussions about Iran. Tehran insists its program is strictly for peaceful purposes, but officials in the U.S., Israel and some European countries suspect Iran is trying to build a nuclear weapon. Israeli officials have strongly suggested they might bomb Iranian nuclear sites if they believed the Iranian efforts had

Please turn to Page 14

### Polish president gets to know Chicago

In his first visit to Chicago, President Bronislaw Komorowski met with local politicians and residents to boost economic, cultural ties. **ChicagoLand, Page 5**



### YOU CAN'T TOUCH THIS?

A Northwestern study shows how the brain changes after therapy to overcome fears — including being afraid of tarantulas. **Page 8**

### Report shows jump in local home sales

April home sales in the Chicago area were up 19 percent from a year earlier, according to a report released Tuesday that raised optimism for the local housing market. **Business**

### Praise for NATO duty, but will it last?

Instead of squeezing police pay, elected officials need to put their own skin in the game. The cops put their skin out there over the weekend and they delivered. **John Kass writes. Page 2**

Packers receiver Donald Driver wins 'Dancing With the Stars' **A+E, Page 2**



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# Findings spur calls to action

Tribune series prompts lawmakers,  
activists to target flame retardants

Wednesday, May 23, 2012

BY MICHAEL HAWTHORNE, SAM ROE AND PATRICIA CALLAHAN

In New York state, lawmakers are moving to ban a cancer-causing flame retardant from children's products.

At the U.S. Capitol, more than 100 nurses, mothers and cancer survivors marched for tougher federal regulation of the chemicals. And in Washington state, environmental groups are calling for a crackdown on a popular flame retardant.

Since the Tribune published its "Playing With Fire" series, momentum has been building for stricter oversight of flame retardants and other toxic chemicals.

The newspaper's investigation documented a deceptive campaign by industry that distorted science, created a phony consumer watchdog group to stoke the fear of fire and organized an association of top fire officials to advocate for greater use of flame retardants in furniture and electronics.

Promoted as lifesavers, flame retardants added to furniture cushions actually provide no meaningful protection from fires, according to federal researchers and independent scientists. Some of the most widely used chemicals are linked to cancer, neurological deficits, developmental problems and impaired fertility.

"Your series was an eye-opener," said Joseph Erdman, legislative director for the New York Senate Committee on Environmental Conservation. "We hope other people around the state and nation read it."

The committee has revived legislation targeting a chemical known as chlorinated tris, or TDCPP, that was voluntarily taken out of children's pajamas more than three decades ago after studies found it could cause cancer. Recent tests have found that chlorinated tris now is commonly added to strollers, highchairs, rockers, diaper-changing pads and other baby products.

The bill, which must clear another committee before the full Senate considers sending it to Gov. Andrew Cuomo, would prohibit companies from selling children's products containing chlorinated tris as of December 2014. If signed into law, it could pressure retailers to keep the products off store shelves nationwide, as they did amid public outcry about plastic baby bottles made with hormone-disrupting bisphenol A.

New York's legislation is part of a wider battle being waged in statehouses and Congress over chemicals that industry is fiercely trying to protect amid growing concerns about their effects on people and wildlife.

States are acting in part because the federal Toxic Substances Control Act gives the government little power to assess or limit dangers from the scores of chemicals added to furniture, electronics, toys, cosmetics and household products. Even when health risks are identified, the federal law makes it practically impossible to ban chemicals.

For example, because chlorinated tris wasn't formally banned in the late 1970s, chemical companies can legally use it in other consumer products without informing government officials or the public. It has become one of the most widely used flame retardants in household furniture.

Critics say the most effective solution is a sweeping overhaul of the federal chemical law, which hasn't been updated since 1976.

The mothers and nurses who rallied Tuesday on Capitol Hill called on lawmak-

ers to back the Safe Chemicals Act, a bill sponsored by Sen. Frank Lautenberg, D-N.J., that would give the U.S. Environmental Protection Agency more authority to regulate chemicals and require manufacturers to prove their products are safe before putting them on the market.

Lautenberg's bill, co-sponsored by U.S. Sen. Dick Durbin, of Illinois, remains mired in a Senate committee amid strong anti-EPA sentiment from Republican lawmakers.

"Toxic chemicals are everywhere," said Jessica Burroughs, 40, of Durham, N.C., who led her 6-year-old son around the Capitol to meet with lawmakers. "I ask, why is the government not protecting us?"

At a news conference organized by Safer Chemicals, Healthy Families, a coalition of environmental and health groups, Hannah Pingree, the 35-year-old former speaker of the Maine House of Representatives, told the protesters about her experience in securing a ban on certain flame retardants in her state.

"In Maine we came face to face with the same lobbyists and sham tactics from the chemical industry that were just exposed in the Chicago Tribune," said Pingree, four months pregnant with her second child. "But Maine is a small state with limited resources, and while we hoped our actions would protect kids, we knew that Washington needed to act to really fix this problem."

The American Chemistry Council, the chief trade group for the chemical industry, says it prefers revising the federal law to dealing with a patchwork of state regulations. But it strongly opposes the Lautenberg bill and has rejected requests from Democratic senators to suggest changes.

"We will continue to work with both Democrats and Republicans in Congress to create a feasible science-based solution that will give consumers confidence that chemicals are being used safely and foster innovation and job creation in the U.S," the group said Tuesday in a statement.

At the state level, the chief opponent of legislation restricting the use of flame retardants is the Citizens for Fire Safety Institute, a group that has billed itself as "a coalition of fire professionals, educators, community activists, burn centers, doctors, fire departments and industry leaders."

But as the Tribune reported, the organization is actually a front group for the three largest makers of flame retardants, Albemarle Corp., Chemtura Corp. and ICL Industrial Products.

Since then, Citizens for Fire Safety has changed its website to acknowledge that it is a trade group funded by those companies. Quotes on the site from two physicians who spoke favorably about flame retardants and the group's commitment to saving lives also were deleted.

The chemical industry says chlorinated tris is safe as used, and Citizens for Fire Safety thwarted a proposed ban in Washington state this spring. But in response to the Tribune series, activists are asking the state's Department of Ecology to add the flame retardant to its list of chemicals "of high concern to children," which would require manufacturers of children's products to disclose their use of the chemical.

Last year, industry lobbyists fought successfully in New York to strip chlorinated tris out of legislation that banned a related chemical, TCEP, from children's prod-



BRENDAN HOFFMAN/PHOTOS FOR THE TRIBUNE

More than 100 nurses, mothers, cancer survivors and others gather Tuesday on Capitol Hill before marching for tougher federal regulation of chemicals. Maine's former House speaker told demonstrators about her experience in securing a ban on certain flame retardants in her state.

ucts. But on the eve of the recent vote by the New York committee, copies of the Tribune series were distributed to senators by Kathleen Curtis, a nurse who leads a group called Clean and Healthy New York, and Andrew McGuire, a burn survivor and advocate. The bill passed unanimously.

“We said (the series) proves what we’ve been saying all along,” Curtis said. “They lie. They buy testimony. They misrepresent science. The chemicals don’t work. They’re unnecessary. They’re harmful.”

The Safer Chemicals, Healthy Families group has called on the American Chemistry Council to expel the major flame retardant makers for ethical lapses. In a letter, the advocates wrote that the Tribune series documented practices “that can only be described as deeply unethical, completely lacking in scientific integrity, and deliberately misleading of policy makers and the general public.”

A spokeswoman for the industry group said it had received the letter but declined to comment.

*Ian Duncan of the Tribune Washington bureau contributed.*



Melanie Collins, of Falmouth, Maine, takes part in the march, calling on Congress to pass the Safe Chemicals Act, a bill that would give the U.S. Environmental Protection Agency more authority to regulate chemicals.

TRIBUNE WATCHDOG UPDATE PLAYING WITH FIRE

# Agency may end toxic flame retardant use

A rule change in California could ripple across U.S.

By PATRICIA CALLAHAN  
Tribune reporter

SACRAMENTO, Calif. — The chief of the California state agency responsible for the rule that made toxic flame retardant chemicals common in American furniture told lawmakers here Tuesday that she is committed to scrapping that rule and replacing it with fire-safety tests that can be met without the use of toxic chemicals.

Tony Blood, chief of the California agency that regulates furniture, said the new test will require furniture to resist a smoldering cigarette. The existing standard requires the foam in furniture cushions to withstand a candlelike flame, even though candles are a far less common cause of fires.

Federal safety officials have said that the fabric covering most furniture is sufficient to meet a smolder standard, making it unnecessary to add chemicals to the foam underneath. Representatives from the furniture industry who testified Tuesday echoed that finding and said they are eager to see the change. While the rule technically governs furniture sold only in California, many manufacturers add flame retardants to products sold nationwide to address liability concerns and to avoid making two versions of the same product.

Blood also said she will work to exempt most baby products from the state's flammability standards; manufacturers have added flame retardants to many such products that contain polyurethane foam to meet California's rule.

"This standard provides protection while reducing reliance on toxic chemicals," Blood told lawmakers in the California Assembly Committee on Environmental Safety and Toxic Materials.

In years past, a front group for the largest manufacturers of flame retardants — the Citizens for Fire Safety Institute — has successfully fought efforts by lawmakers to scale back use of chemicals or change the standard, which was established in 1975. But Tuesday's hearing demonstrated just how much the ground has shifted since the Tribune's "Playing With Fire" series in May exposed its deceptive tactics.

California state Sen. Mark Leno, who has re-



ROBERT DURELL/PHOTO FOR THE TRIBUNE  
Lobbyist Joe Lang appears Tuesday before a California Assembly panel on behalf of flame retardant makers. A change in the state's standards for furniture could affect the nation.

peatedly tried but failed to reduce the use of flame retardants in furniture and baby products, accused Citizens for Fire Safety of abusing the legislative process and read aloud sections of the Tribune series.

At a state Senate hearing on one of Leno's bills last year, Citizens for Fire Safety's star witness, burn surgeon Dr. David Heimbach, testified about an infant patient from Alaska who suffered a fatal burn on cushioning that lacked flame retardants, but the Tribune in May showed that the baby as he described her did not exist.

"To make up a story like that is really not only unacceptable, as now revealed in this Tribune story, this industry has been dishonest, disgraced and discredited," Leno said.

Leno said anyone testifying at the hearing who has received any money from Citizens for Fire Safety should disclose that publicly because, he said, "Citizens for Fire Safety has already been discredited."

Although Heimbach did not testify Tuesday, the same lobbyist and chemist that Leno faced last year appeared again on behalf of Citizens for Fire Safety. Joe Lang, the lobbyist, discussed an unpublished study that he said shows California's existing furniture rule works well and increases escape time in fires. That claim runs counter to the work of independent and government scientists.

Lang also played a video of a Dutch television show that torched two couches, one made under the British fire safety standard, which is far more stringent than

California's rule, and one without flame retardants. The sofa without fire retardants quickly becomes an inferno. Last year Citizens for Fire Safety circulated a version of this video overlaid with sinister music and the caption, "Are you sitting comfortably?"

At the time, there was no

sinister music, and Lang offered no translation as the commentator explained the fires in Dutch. "A picture is worth a thousand words, and this clearly demonstrates the effectiveness of the standard," Lang said.

His testimony stood in sharp contrast to that of firefighters, public health



"This industry has been dishonest, disgraced and discredited."  
— California state Sen. Mark Leno

advocates, state officials and researchers who testified before and after him.

Firefighters explained how their on-the-job exposure to flame retardants put them at risk for rare cancers normally found in chemical workers. Researchers explained how flame retardant chemicals have increased exponentially in the bodies of Americans and especially put the health of children and pregnant

women at risk. Research has shown that flame retardants — some of which have been linked to cancer, neurological deficits, developmental problems and impaired fertility — migrate out of products into dust, wind up in the bodies of people and animals and linger in the environment for years.

Blood's public commitment to major change comes a week after California Gov. Jerry Brown called for an overhaul of the state's rule. Blood cautioned that it could take a year to move the changes through the state's administrative process.

Over the years, the chemical lobby has proved resilient in the face of health concerns associated with flame retardants. Just last week in New York state, a bill that would have made it illegal for the manufacturers of baby products to use a carcinogenic flame retardant known as chlorinated tri failed to pass in that state's Senate. While supporters said they had lined up enough votes to pass it, the bill was sidled to a committee and never called for a vote.

pcallahan@tribune.com

## Study finds type of calories key to keep weight off

By ERYN BROWN  
Tribune Newspapers

LOS ANGELES — A calorie is a calorie — or is it?

Maybe not, a small study has found. Once the pounds are shed, the proportions of carbohydrates, proteins and fats you chow down may determine whether you keep the weight off.

In a seven-month experiment during which 21 overweight men and women followed strictly controlled diets, researchers showed that a high-carb diet seems to make the metabolism more sluggish than a high-protein one during the most difficult part of weight loss: keeping fat off.

"From a metabolic perspective, all calories are not alike," said study senior author Dr. David Ludwig, director of the New Balance Foundation Obesity Prevention Center at Children's Hospital Boston. "The quality of the calories going in affects the quantity of the calories going out."

Only 1 in 6 overweight and obese adults say they have ever held on to a loss of 10 percent body weight or greater for even a year, the team noted in its preliminary report, which was

published Tuesday in the Journal of the American Medical Association. Scientists knew that weight loss is accompanied by a slowdown in the body's metabolism.

To test whether different foods might influence that, Ludwig and his colleagues recruited overweight and obese adults ages 18 to 40 for diet studies from 2006 to 2010.

Study participants shed 10 to 15 percent of their body weight, then entered a weight-stabilization phase, in which each person was fed three different diets for four weeks at a time: a low-fat diet, high-carb diet, a diet with equal percentage of carbs and fat, and a high-fat, very low-carb diet.

The participants burned more than 300 additional calories on average when on the very-low-carb diet compared with the low-fat diet, the study found.

However, Ludwig and others don't recommend a very-low-carb diet because it can carry heart risks. "Weight loss experts not involved in the research praised the study, while acknowledging its limitations."

erbrown@tribune.com

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# Agency may end toxic flame retardant use

A rule change in California could ripple across U.S.

*Wednesday, June 27, 2012*

**BY PATRICIA CALLAHAN**

The chief of the California state agency responsible for the rule that made toxic flame retardant chemicals common in American furniture told lawmakers here Tuesday that she is committed to scrapping that rule and replacing it with fire-safety tests that can be met without the use of toxic chemicals.

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At a state Senate hearing on one of Leno's bills last year, Citizens for Fire Safety's star witness, burn surgeon Dr. David Heimbach, testified about an infant patient from Alaska who suffered fatal burns on cushioning that lacked flame retardants, but the Tribune in May showed that the baby as he described her did not exist.

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Over the years, the chemical lobby has proved resilient in the face of health concerns associated with flame retardants. Just last week in New York state, a bill that would have made it illegal for the manufacturers of baby products to use a carcinogenic flame retardant known as chlorinated tris failed to pass in that state's Senate. While supporters said they had lined up enough votes to pass it, the bill was sidelined to a committee and never called for a vote.



ROBERT DURELL/PHOTO FOR THE TRIBUNE  
Lobbyist Joe Lang appears Tuesday before a California Assembly panel on behalf of flame retardant makers. A change in the state's standards for furniture could affect the nation.



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# Chicago Tribune



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SATURDAY, SEPTEMBER 1, 2012

BREAKING NEWS AT CHICAGOTRIBUNE.COM

'You-pick' opportunities are few after extreme swing in spring temperatures damages yields at area orchards



ALEX GARCIA/TRIBUNE PHOTO

Lisa and Brian Kasalajtis, along with their children Katie, 3, and Liam, 5, of Pleasant Prairie, Wis., pick apples this week at Apple Holler orchard in Sturtevant, Wis. The orchard produced about 40 percent of its usual apple crop this year.

## Apple crops sliced, diced

BY BRIDGET DOYLE  
Tribune reporter

After a few freezing nights this spring, Apple Holler owner Dave Flannery feared the worst. He walked up and down his orchard's rows, cutting into hundreds of apple blossoms to check the damage. To his dismay, his suspicions were right — the frost had turned almost all of the

blossoms' centers black. "When the seeds are black, they're rotting — and they're done," Flannery said. "When a few stay white there's a chance, but it's usually just a matter of days before they're dead too." Flannery's Racine-area orchard, a popular autumn destination for Chicagoans, produced about 40 percent of its normal apple crop this year. With 74

acres and more than 30,000 trees, Apple Holler still will have a season, Flannery said, but it will have to supplement with apples brought in from other orchards to sell in its small market and to bake into pies. Apple Holler is one of the lucky ones. Other area apple orchards are canceling the fall "you-pick" season entirely after their crops were devastated by

fickle spring weather. A blast of unseasonable warmth in March was followed by freezing temperatures in April, damaging plants awakened by the faux spring. March temperatures were about 16 degrees above normal in Chicago, said National Weather Service archivist Frank Wachowski. Please turn to Page 2

TRIBUNE WATCHDOG PLAYING WITH FIRE

## Flame retardant industry blinks

Front group that lobbied for use of toxic chemicals is abandoned

BY MICHAEL HAWTHORNE AND SAM ROE  
Tribune reporters

The world's major manufacturers of flame retardants officially cut ties Friday with an industry-funded front group that waged a deceptive campaign to fuel demand for the chemicals in household furniture, electronics, baby products and other goods. Albemarle Corp., Chemtura Corp. and ICL Industrial Products said in a statement that the companies have severed their relationships with the Citizens for Fire Safety Institute, a group they founded, funded and directed. The companies will shift their outside lobbying and advocacy efforts to the American Chemistry Council, the chemical industry's chief trade group.

It wasn't clear whether the front group has been formally disbanded, though its website was taken down Friday. The three companies declined to comment beyond a statement posted on their corporate websites.

"We will focus on educating policymakers and stakeholders about the contributions of flame retardants to fire safety, and the science that supports flame retardant chemistries as an important tool to protect lives and property by reducing the flammability of the products around us," the statement said.

The Tribune reported last month that the chemical manufacturers were reconsidering their involvement with Citizens for Fire Safety in response to the news-

Please turn to Page 7

### Saturday planner

**Chicago Jazz Festival**  
When: 11 a.m.-9:30 p.m. (also Sunday)  
Where: Grant Park, Columbus Drive and Jackson Boulevard  
Price: Free; 312-744-3316; chicagोजazzfestival.us

**Labor Day fireworks**  
Classic rock music will accompany the fireworks.  
When: 9:30 p.m.  
Where: MB Financial Park at Rosemont, 5501 Park Place, Rosemont  
Price: Free; rosemont.com

**Last Fling**  
The Naperville fest includes live music, Radio Disney appearances and more.  
When: 10 a.m.-11 p.m. (also Sunday and 10 a.m.-5 p.m. Monday)  
Where: Naperville Riverwalk, 100 W. Jackson Ave., Naperville  
Price: Free admission, fee for main-stage concerts; 630-961-4143, lastfling.org

—Regina Robinson



### Emails detailed Vaughn's plans to stage death

A friend testified about the murder defendant's desire to escape to life in the Canadian Yukon. Chicagoland, Page 4

Emanuel backs schools chief, discounts rumors  
Chicagoland, Page 4

### HOMICIDE THE MOUNTING TOLL

## Federal agents to aid Chicago's effort to stem relentless violence

BY CYNTHIA DEZIKES AND KRISTEN MACK  
Tribune reporters

As Mayor Rahm Emanuel touted his anti-violence initiatives at a news conference Friday morning, bullets ripped across the 4200 block of West Wilcox Street on Chicago's West Side, striking a teenager while she walked home from school.

The shooting happened in the heart of the Harrison District, one of two police districts targeted by Chicago police officers in a year when the city has drawn national attention for its mounting homicides. Although Emanuel has credited the effort with reducing murders in those two districts, Friday's shooting



PHIL VELASQUEZ/TRIBUNE PHOTO

Shell casings are scattered at the scene of a shooting late Friday morning on West Wilcox Street.

underscored the difficulty police face in confronting the intractable violence in some of the city's most impoverished sections. "We've obviously had a very

difficult August, so we have our work cut out for us," said Emanuel, who announced Friday that he will now be enlisting the help of the federal government to combat violence and drugs in the Grand Crossing and Ogden police districts on the South and West sides where the city has seen the highest spike in violence this year.

The new plan, modeled after the crackdowns since mid-January in the Harrison and Englewood districts, calls for gang, narcotics and patrol officers to saturate so-called conflict zones, according to police Superintendent Garry McCarthy. U.S. marshals and agents from the FBI, Please turn to Page 6



Tom Skilling's forecast High 80 Low 71

Chicago Weather Center: Complete forecast on back page of Sports section

\$100 city and suburbs, \$1.25 elsewhere 165th year No. 245 © Chicago Tribune



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# Flame retardant industry blinks

Front group that lobbied for use of toxic chemicals is abandoned

*Saturday, September 1, 2012*

**BY MICHAEL HAWTHORNE AND SAM ROE**

The world's major manufacturers of flame retardants officially cut ties Friday with an industry-funded front group that waged a deceptive campaign to fuel demand for the chemicals in household furniture, electronics, baby products and other goods.

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The Tribune reported last month that the chemical manufacturers were reconsidering their involvement with Citizens for Fire Safety in response to the newspaper's "Playing With Fire" investigation, which documented the front group's role in a decades-long effort by the tobacco and chemical industries to promote the use of flame retardants.

Those efforts have helped load American homes with 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.

Citizens for Fire Safety played an active role in states where legislators have proposed banning certain flame retardants. Its tactics included distributing videos featuring ominous music, footage of burning houses and narrators warning that restrictions on the chemicals would endanger children.

The group also sponsored witnesses who testified before state legislators in favor of flame retardants. Among them was a now-retired surgery professor at the University of Washington who told lawmakers stories about burned babies, though the Tribune investigation found that the infants as he described them did not exist.

Since the newspaper's series was published in May, Albemarle, Chemtura and ICL have faced blistering criticism from federal and state lawmakers who called the tactics of Citizens for Fire Safety unethical. It became increasingly apparent that the group's future was in doubt after several U.S. senators grilled representatives of the chemical companies at a July hearing.

"If there is any truth to the allegations, we will take decisive, appropriate action," Marshall Moore, director of technology, advocacy and marketing for Chemtura, wrote in a letter to the Tribune after the Senate hearing.

Seth Jacobson, who had been the spokesman for Citizens for Fire Safety, said Friday that he no longer represents the group. The organization's executive director, Grant Gillham, did not return telephone calls.

The group had billed itself as "a coalition of fire professionals, educators, com-

munity activists, burn centers, doctors, fire departments and industry leaders, united to ensure that our country is protected by the highest standards of fire safety.” In response to the Tribune series, the group altered its website to clarify that it is a trade association.

Its board of directors was composed of executives from Albemarle, Chemtura and ICL, which contributed about \$17 million to the group from 2008 to 2010, most of which was spent on lobbying and political expenses, according to federal tax records.

Citizens for Fire Safety was active in the California Legislature as recently as June, when a lobbyist for the group testified that flame-retardant furniture saves lives. At issue was the state’s flammability standard for residential furniture, which manufacturers typically meet by adding chemicals to foam cushions. Gov. Jerry Brown has vowed to replace the standard with one that could be met without the use of chemicals.

Lobbying for the three chemical manufacturers now will be handled by the American Chemistry Council, which said in a statement that it “will continue to communicate the science that addresses the effectiveness and safe use of flame retardants.”

The trade group, along with Citizens for Fire Safety, has been accused of distorting science to build support among policymakers for greater use of the chemicals. Flame retardants added to furniture cushions actually provide no meaningful protection from household fires, according to federal researchers and independent scientists.

Andy Igrejas, director of Safer Chemicals, Healthy Families, a coalition of environmental and health groups, called Friday’s announcement “purely cosmetic.”

The real problem, Igrejas said, is that the makers of flame retardants have repeatedly shown a “lack of scientific integrity and a disregard for public health.” Government and industry need to confront this behavior, he said. Otherwise, he feared the “same companies will plot the same deceptive campaigns.”

# 'CONAN' TRIUMPHANT

'Team Coco' spirit thrives as O'Brien returns to Chicago; Emanuel makes a surprise visit A+E



## Cubs sign 20-year-old Cuban outfielder

Chicago Sports

WINNER OF THE 2012 PULITZER PRIZE FOR COMMENTARY

# Chicago Tribune



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TUESDAY, JUNE 12, 2012

BREAKING NEWS AT CHICAGOTRIBUNE.COM

# Teachers crank up the heat

## Overwhelming vote for strike gives union more clout



JOSÉ M. OSORIO/TRIBUNE PHOTO

Teachers union chief Karen Lewis called the strike vote an "indictment" of the strained relationship with CPS officials.

By NOREEN S. AHMED-ULLAH AND JOEL HOOD  
Tribune reporters

Chicago teachers countered Mayor Rahm Emanuel's aggressive approach to school reform with the most powerful weapon in their arsenal, giving overwhelming authorization for a strike if contract talks continue to founder.

Nearly 90 percent of Chicago Teachers Union mem-

bers, some 23,780 city employees, voted to support a strike if one is called, the union said Monday. Union President Karen Lewis said the three-day vote was an "indictment" of the increasingly strained relationship between teachers and Emanuel's hand-picked administration at Chicago Public Schools.

"I think that is a very significant number and should put an end to all the speculation about how peo-

ple in schools really feel," Lewis said.

While the union and CPS have been making progress in some areas, they remain far apart on several key issues, including compensation and the district's efforts to link teacher pay to student performance, union officials said.

The union entered negotiations asking for a 30 percent wage increase over two years, which it said was commensurate with work-

ing a school day that will be about 90 minutes longer in the fall. The district's opening offer was a 2 percent raise over two years and a form of merit pay in later years.

Since taking office a little more than a year ago, Emanuel has stripped the teachers of a 4 percent raise, successfully pushed for a longer day and advocated for more privately run char-

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TRIBUNE WATCHDOG  
PLAYING WITH FIRE

## School: Doctor violated policies

### Ex-teacher blasted for helping flame retardant group

By SAM ROE AND PATRICIA CALLAHAN  
Tribune reporters

The University of Washington has admonished a prominent surgeon who told lawmakers questionable stories about burned babies while testifying in favor of flame retardants.

A university spokeswoman said Dr. David Heimbach violated school policy by failing to obtain permission before doing consulting work for the Citizens for Fire Safety Institute, a front group for flame retardant makers.

**"The UW is very disappointed in Dr. (David) Heimbach's actions."**

— Tina Mankowski, spokeswoman

The university also concluded that Heimbach violated federal privacy rules by showing photographs of a burned infant at a medical conference without authorization.

"In sum, it is fair to say that the UW is very disappointed in Dr. Heimbach's actions in regard to this issue," university spokeswoman Tina Mankowski wrote in a statement.

Heimbach's attorney said the doctor followed the rules while educating people on how to prevent burns.

"The manner by which he serves in this educational role is within the bounds of the law and his profession's ethical standards," the attorney, Deborah Drooz, wrote to the Tribune.

Until his retirement last year, Heimbach was a surgery professor at Washington and a physician at Harborview Medical Cen-

Please turn to Page 10

## State gave museum \$6 million to create jobs, but how much work can be credited to grant?



PHIL VELASQUEZ/TRIBUNE PHOTOS

The Media Tower looms large at the Museum of Broadcast Communications, which opens Wednesday at State and Kinzie streets in Chicago.

# Broadcast museum opens with static

By HEATHER GILLERS  
Tribune reporter

Two years after a \$6 million jobs grant from the state jump-started construction on its new building, the Museum of Broadcast Communications has a lot to show for its 18,000 square feet of television and radio exhibits, recordings and memorabilia that will open to the public Wednesday.

What is less apparent is how many jobs the project can take credit for. The museum's founder, veteran broadcaster Bruce DuMont, has been planning the \$27 million four-story building on State Street near the House of Blues since moving out of its rented space in the Chicago Cultural Center in 2003. He secured the key \$6 million grant after telling the state he intended to create 200 yearlong

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"Bozo's Circus" is part of the museum's 18,000 square feet of exhibit space. A grant from the Illinois Jobs Now fund was given to it in 2010.

# First accuser tells of abuse by Sandusky

## Defense signals former Penn St. assistant coach to testify in case

By PETER HALL, ANDREW MCGILL AND ADAM CLARK  
Tribune Newspapers



MICHAEL KUBEL/  
THE MORNING CALL PHOTO

Eight alleged victims in the sex abuse case are expected to testify against Jerry Sandusky.

world, it was routine for people to shower together and that he never sought sexual gratification while doing so.

Later in the day, the first of Sandusky's accusers, identified in court papers as Victim 4, testified for nearly four hours. The accusers are being identified in court, but the Tribune does not name alleged sex assault victims.

The man, now 28, said he started hanging out with Sandusky after his second summer in a camp for disadvantaged children. He testified that their relationship progressed from playing sports together and "soap

From the defense table, Sandusky saw childhood photos of his accusers projected on a large screen in the Centre County courtroom as Senior Deputy Attorney General Joseph McGettigan III spoke.

"One is a father himself now. Two are recent high school graduates. One is a Penn State graduate. One serves his country in Afghanistan, in a war zone," McGettigan said. "Their experiences with the defendant are as varied as they are."

Defense attorney Joe Amendola signaled in his opening statement that his client would testify to give his side of the story and would explain that in his

Please turn to Page 8

## Apple offers a glimpse of what's to come

Apple is charting a path that could help it outsmart Google. And on Monday, it showed off the new Maps app, a smarter version of Siri, and a new line of laptops and software.

Business

## Police to pay OT to try to curb violence

The move to boost patrols comes after a weekend in which 53 people were shot, nine of them fatally. The Fraternal Order of Police called it a "Band-Aid approach."

Chicagoand, Page 4

## Recession costly for U.S. families

Median net worth of American families fell to \$77,300 in 2010, a level not seen since the early 1990s, from \$126,400 three years earlier. Much of the loss in wealth is blamed on the decline in housing values.

Business



Tom Skilling's forecast High 77 Low 52

Chicago Weather Center: Complete forecast on back of A+E

\$1.00 city and suburbs, \$1.25 elsewhere 165th year No. 164 © Chicago Tribune



# School: Doctor violated policies

Ex-teacher blasted for helping flame retardant group

*Tuesday, June 12, 2012*

**BY SAM ROE AND PATRICIA CALLAHAN**

The University of Washington has admonished a prominent surgeon who told lawmakers questionable stories about burned babies while testifying in favor of flame retardants.

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“The manner by which he serves in this educational role is within the bounds of the law and his profession’s ethical standards,” the attorney, Deborah Drooz, wrote to the Tribune.

Until his retirement last year, Heimbach was a surgery professor at Washington and a physician at Harborview Medical Center in Seattle, which is managed by the university.

The university began reviewing Heimbach’s files after a Tribune series in May titled “Playing With Fire,” which detailed how Heimbach told lawmakers in California and Alaska gripping stories of babies suffering fatal burns while on cushioning without flame retardants. But the infants as he described them did not exist.

Heimbach, former president of the American Burn Association, initially told the Tribune that his testimony was meant to be anecdotal and that he “wasn’t under oath.” Later, through his attorney, he said he intentionally changed the facts to protect patient privacy.

For the past several years, Heimbach has been a star witness for Citizens for Fire Safety, a group that has claimed to be a coalition of fire professionals, doctors and educators but is actually a trade group funded by companies that make flame retardants.

The makers of flame retardants, as well as their trade groups, have argued that the chemicals save lives, but federal and independent researchers say the compounds provide no meaningful protection from furniture fires. Meanwhile, the chemicals have been linked to health problems.

Mankowski said that to avoid conflicts of interest, faculty must obtain permission before conducting outside consulting work. She said Heimbach violated this policy but would not be penalized because the school learned of the infraction after the Tribune series and his retirement.

Heimbach’s attorney did not directly address questions from the Tribune regarding this infraction. But she did write that Heimbach complied with university policy regarding faculty contributing expertise to advisory bodies.

In an earlier interview with the newspaper, Heimbach acknowledged that his testimony about babies dying in fires was not about different children but about the

same infant. He emailed the Tribune two photographs of a severely burned child whom he said he had in mind when testifying. He also said he used these images in a presentation at a medical conference.

But the Tribune series reported that the baby didn't die in the way that he described and that flame retardants were not a factor. Moreover, Heimbach did not have authorization to use the photos, according to the university.

The university subsequently concluded that Heimbach violated privacy rules known as HIPAA — the federal Health Insurance Portability and Accountability Act of 1996.

"We take patient privacy very seriously and are very concerned that he violated HIPAA," Mankowski said.

She said the university reports all HIPAA violations to the U.S. Department of Health and Human Services, which can conduct inquiries and impose fines.

Heimbach signed a statement with the university in which he agreed he "did not have authorization from the patient's family or UW Medicine for use of the photographs," according to a copy provided by the university.

He agreed to not use the photos again and to return them to the school.

In a letter to the Tribune, Heimbach's attorney said she disagreed that the doctor violated patient privacy. She said Heimbach followed standard protocol under the rules by "de-identifying" patients — that is, changing or omitting identifying information.

She wrote that he agreed to not use the photographs again not because his initial use violated any rule, "but because he has always enjoyed a collegial professional relationship with the university and was simply being cooperative."

In a related issue, the university said Citizens for Fire Safety falsely claimed that the school's Harborview burn center had sided with the trade group in a legislative fight in Washington state.

In January, a representative of Citizens for Fire Safety, sometimes known as CFFS, sent emails to the director of a low-income housing organization encouraging her to sign a letter opposing two bills that would limit the use of a flame retardant. One email claimed the burn center was against the measures.

But the university told the Tribune the burn center took no position on the bills.

"We were unaware that CFFS was making such claims," UW spokeswoman Mankowski wrote. "CFFS' claims are untrue and, we believe, misleading."

Seth Jacobson, spokesman for Citizens for Fire Safety, said the matter was a simple mistake by the trade group's representative, who meant to say in the email that Heimbach opposed the bills, not the burn center.

"It's a legitimate mistake on her part," Jacobson said. "No nefarious misrepresentations here."

# Chicago Tribune CHICAGOLAND



MARY SCHMICH

## Nation also evolving on gay marriage

The first gay person I ever met was surely not the first gay person I ever met.

But until the day one of my best college friends told me he was gay, I wasn't aware of knowing any gay people. This was in the early 1980s, when "coming out" was a term still typically associated with debutantes.

A few weeks before David made his revelation, we had met for dinner in San Francisco, and afterward he suggested we take a walk. Our stroll took us to the noisy bars on Castro Street, and David suggested we stop for a drink.

I had never seen so many men unbuffered by women, or seen men enthralled with each other. I had never felt so different from everyone around me.

I don't remember exactly what I said, just that my remarks were slightly defensive and slightly derisive and that David didn't reply.

I later suspected that David was trying to sense my attitude toward homosexuality. The truth is, I didn't have a clear attitude, beyond some vague uneasiness I'd inherited from the general culture. I didn't need to have an attitude. As hard as it is to believe now — in the age of "Modern Family" and Rachel Maddow — there was no wide public discussion of gay people, much less of gay marriage.

And I didn't know any gay people. Until David let me know I did. He was the beginning of my evolution.

When President Barack Obama came out in favor of same-sex marriage this week, he referred to his evolution on the subject. Politics being the cynicism factory that it is, the doubters howled.

Evolution? Right. Better to call it a flip-flop. Or a flip-flop-flip, since he supported gay marriage before he renounced it in the service of his political ambition.

Evolution, though, is a plausible word. Evolution implies progress, slow progress. One dictionary defines it as "a gradual process in which something changes into a different and usually more complex or better form."

When Obama talked Wednesday about his evolving thoughts on gay marriage, he focused on his relationships with gay people — neighbors, staff members, soldiers, the same-sex parents of his daughters' friends.

For him, as for so many straight people, it's those ordinary relationships that have added up, one by one, to a conviction: Gay people deserve an equal right to marry under the law.

Most revolutions are actually evolutions, shifts that gather force day by day, person by person, thought by thought, until they burst into broad view and are labeled change.

In the case of same-sex marriage, the change is not just in what Americans have come to believe, it's not only in what we feel free to say — it's in what many of us feel obligated to say.

Obama would have waited longer to exercise his obligation if Vice President Joe Biden hadn't done it first, in a Sunday TV interview, but part of Obama's evolution, even if it was spurred by politics, is knowing that it was time. Time not just to think the right thing, but to say it.

The number of Americans who favor legalizing same-sex marriage rises. Polling shows supporters now outnumber those opposed. The support is stronger among the young.

Support will never be unanimous, but even more people will eventually acknowledge that allowing gay people to marry is the American way. The change won't come primarily through argument. It will come through a more persuasive power — relationships — and it will one day be fortified by law.

Viva la evolution.

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## TRIBUNE WATCHDOG UPDATE PLAYING WITH FIRE

# Fire-retardant reform urged

Durbin calls for action in wake of Tribune's 'Playing With Fire' series

By PATRICIA CALLAHAN, MICHAEL HAWTHORNE, AND SAM ROE  
Tribune reporters

Reacting with outrage to the Chicago Tribune's investigation of deceptive tactics that have fueled the rise of toxic flame retardants in American homes, U.S. Sen. Dick Durbin on Thursday demanded answers from two federal agencies, urging them to act aggressively to rid homes of chemicals that pose health risks but don't save off fires.

"The Tribune investigation makes it clear that this life-threatening issue has been swamped by self-serving chemical companies and lack of aggressive oversight by our government," Durbin, D-Ill., wrote to the heads of the Environmental Protection Agency and the Consumer Product Safety Commission.

The Tribune's series, "Playing With Fire," documented a decades-long campaign of deception by industry interests that has

loaded the furniture and electronics in American homes with pounds of toxic chemicals linked to cancer, neurological deficits, developmental problems and impaired fertility.

"The 'Playing With Fire' series is really a challenge to us in Washington to get serious about these flame retardant chemicals and the impact they're having on babies and children," Durbin said in an interview. "The series makes it clear that there has been a great deal of misinformation and deception promulgated by chemical companies, tobacco companies, lobbyists and others that has created a fear factor that has led to the overuse of some of these chemicals."

Durbin, the Senate's assistant majority leader, asked CPSC Chairman Inez Tenenbaum why furniture flammability rules her agency proposed in 2008 haven't been formalized. Durbin chairs the Senate committee in charge of the CPSC's budget.

The CPSC's rules would likely reduce the amount of flame retardants in American homes because the federal tests focus on smoldering cigarettes and can be met by choosing the right upholstery fabrics rather than adding

pounds of chemicals to the foam inside. Those rules would trump the California standard that prompts manufacturers nationwide to add flame retardants to the foam in furniture and many baby products. Government and private tests have found no meaningful difference in safety between chairs with flame-retardant foam and those without.

"This (federal) rule has the potential to be one of the top lifesaving rules in CPSC's history and Chairman Tenenbaum is committed to expediting approval of a final rule while she is chairman," Scott Wolfson, Tenenbaum's press secretary, said in a written statement on Thursday. When it comes to upholstered furniture fires, he said, "90 percent of the addressable deaths are related to smoldering fires, and the vast majority of those are caused by cigarettes. CPSC staff has proposed a rule that would limit the fire spread in upholstered furniture without requiring the use of flame retardant chemicals."

In a separate letter, Durbin urged EPA Administrator Lisa Jackson to use all of her agency's powers to restrict the use of flame retardants linked to health prob-

lems. The EPA, "wittingly or unwittingly, has allowed the manufacturers of these chemicals to flood American households with substances that abundant scientific evidence finds harmful," he wrote.

Durbin will urge Senate colleagues to revive a long-stalled bill that would give the EPA more authority to restrict flame retardants and other compounds that pose health risks.

The American Chemistry Council, a trade group, said in a statement on Thursday, "We are committed to responsibly engaging in public policy discussions so that regulatory decisions related to chemistry are made on a scientific basis to fully protect public health and the environment while encouraging American innovation and job growth."

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flames

Read the Tribune's four-part investigation of flame retardants, "Playing With Fire."



Timothy Pitzen's whereabouts since his mother killed herself are unknown.

## Year later, boy's fate remains a puzzle

Police continue seeking clues on disappearance of Timothy Pitzen

By TED GREGORY  
Tribune reporter

Eight days ago, on what would have been her late daughter's 44th birthday, Alana Anderson visited her grave.

"I yelled at her," Anderson said Thursday. "I told her this was a very stupid thing to do, that she had other options and that she hurt lots of people but that she probably hurt her son the most."

Exactly what Amy Fry-Pitzen did remains a mystery. Authorities do know that one year ago Friday, Fry-Pitzen took her son, Timothy, from his kindergarten class at an Aurora school. Three days later, Fry-Pitzen's body was found at a Rockford motel.

She had committed suicide. Six-year-old Timothy was missing. In a note, Fry-Pitzen said her bright, energetic, brown-eyed boy was safe, but she didn't elaborate.

Since then, Timothy has not surfaced and Alana Anderson has lived in agony and anger.

"I'd kill her myself if she came back now," Anderson said, "for what she's done to the family."

Anderson said she's "aged 20 years in the last year." Timothy's father, James Pitzen, reportedly has moved from the family's Aurora home and is living out of state. Efforts to reach him were unsuccessful.

Aurora police, who plan to release a video of the boy on Friday and recap the status of the investigation, say they continue to investigate tips they receive.

They also are reinterviewing key people in the case. Two investigators visited Anderson on April 27 for nearly two hours at her home in Antioch and videotaped an interview, she said. They asked her to recount events



Alana Anderson, Timothy Pitzen's grandmother, sits next to a tree, at left, that the family planted on the boy's seventh birthday. He was 6 when he was last seen, just before his mother's suicide a year ago.

leading to Timothy's disappearance and asked about Fry-Pitzen's background.

"She was a meticulous planner," Anderson said Thursday, "with lots of attention to detail, and she was extremely stubborn." Fry-Pitzen also had a history of depression, but Anderson said her daughter "was not a crazy person." Fry-Pitzen was "patient and loving" with Timothy, Anderson said. "I would have to see evidence before I believed she hurt him," she added.

She maintains the love that Fry-Pitzen and Timothy exhibited for each other demonstrates that Fry-Pitzen would have left him with responsible adults, as the letter suggests, rather than harm him.

Anderson said detectives told her "there is not one shred of evidence" indicating Fry-Pitzen harmed the boy.

They suggested that they "firmly believe he is out there," Anderson said, and that "they are actively looking for him."

An estimated 800,000 children are reported missing every year, according to the National Center

for Missing & Exploited Children, a leading resource on missing and exploited children. The vast majority of missing children are found quickly, and the percentage of recoveries is rising, said Robert Lowery, executive director for the Missing Children Division at the center, based in Alexandria, Va.

"Even though the circumstances with Timothy can seem very dire," Lowery said, "there are still scenarios in which the child could be alive and well."

The NCMCE website notes that its cold case unit has helped resolve more than 400 long-term cases. Lowery pointed out the recent cases of Jaycee Dugard, found in 2009 in California after being missing since 1991, and Shawn Hornbeck, found in 2007 in Missouri after more than four years in captivity.

But Lowery noted that "time is the enemy when children are missing." He had no statistics on how the passage of time reduces the chances of finding a missing child.

"We don't provide false hope," Lowery said, "but we don't give

up hope."

Timothy Pitzen, who was 4 feet 2 inches tall and about 70 pounds at the time of his disappearance, was seen last with his mother, leaving a Wisconsin Dells water park on May 13.

Later that night, Fry-Pitzen checked into a Rockford motel alone. Employees found her body the next day after she killed herself with a knife, authorities said.

On May 19, officers used bloodhounds, all-terrain vehicles and planes to search an area 100 miles west of Chicago, where Fry-Pitzen's last cellphone calls were tracked.

Authorities examined Fry-Pitzen's I-PASS account and a secret email account.

Those efforts revealed two earlier, unexplained trips to the region west of Chicago but nothing that shed light on Timothy's fate.

"I'm not numb anymore," Anderson said. "Now I've learned what it's like to live without them, and I don't like it."

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# Fire-retardant reform urged

Durbin calls for action in wake  
of Tribune's 'Playing With Fire' series

*Friday, May 11, 2012*

**BY PATRICIA CALLAHAN, MICHAEL HAWTHORNE AND SAM ROE**

Reacting with outrage to the Chicago Tribune's investigation of deceptive tactics that have fueled the rise of toxic flame retardants in American homes, U.S. Sen. Dick Durbin on Thursday demanded answers from two federal agencies, urging them to act aggressively to rid homes of chemicals that pose health risks but don't stave off fires.

"The Tribune investigation makes it clear that this life-threatening issue has been swamped by self-serving chemical companies and lack of aggressive oversight by our government," Durbin, D-Ill., wrote to the heads of the Environmental Protection Agency and the Consumer Product Safety Commission.

The Tribune's series, "Playing With Fire," documented a decades-long campaign of deception by industry interests that has loaded the furniture and electronics in American homes with pounds of toxic chemicals linked to cancer, neurological deficits, developmental problems and impaired fertility.

"The 'Playing With Fire' series is really a challenge to us in Washington to get serious about these flame retardant chemicals and the impact they're having on babies and children," Durbin said in an interview. "The series makes it clear that there has been a great deal of misinformation and deception promulgated by chemical companies, tobacco companies, lobbyists and others that has created a fear factor that has led to the overuse of some of these chemicals."

Durbin, the Senate's assistant majority leader, asked CPSC Chairman Inez Tenenbaum why furniture flammability rules her agency proposed in 2008 haven't been formalized. Durbin chairs the Senate committee in charge of the CPSC's budget.

The CPSC's rules would likely reduce the amount of flame retardants in American homes because the federal tests focus on smoldering cigarettes and can be met by choosing the right upholstery fabrics rather than adding pounds of chemicals to the foam inside. Those rules would trump the California standard that prompts manufacturers nationwide to add flame retardants to the foam in furniture and many baby products. Government and private tests have found no meaningful difference in safety between chairs with flame-retardant foam and those without.

"This (federal) rule has the potential to be one of the top lifesaving rules in CPSC's history and Chairman Tenenbaum is committed to expediting approval of a final rule while she is chairman," Scott Wolfson, Tenenbaum's press secretary, said in a written statement on Thursday. When it comes to upholstered furniture fires, he said, "90 percent of the addressable deaths are related to smoldering fires, and the vast majority of those are caused by cigarettes. CPSC staff has proposed a rule that would limit the fire spread in upholstered furniture without requiring the use of flame retardant chemicals."

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Durbin will urge Senate colleagues to revive a long-stalled bill that would give

the EPA more authority to restrict flame retardants and other compounds that pose health risks.

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TRIBUNE WATCHDOG UPDATE PLAYING WITH FIRE

## 3 GOP senators join flame retardant push

Bipartisan group backs restrictions, tells EPA safety law 'must be reformed'

By MICHAEL HAWTHORNE  
Tribune reporter

The first signs of bipartisan support for overhauling the nation's chemical safety law emerged Monday, as three Republicans joined 23 other senators calling for tough restrictions on toxic flame retardants.

Citing the Tribune's "Playing With Fire" investigation, which exposed a deceptive, decades-long campaign by the tobacco and chemical industries to promote flame retardants, the lawmakers called for a sweeping update of the federal Toxic Substances Control Act.

The 1976 law gives the government little power to assess or limit dangers from flame retardants and the scores of other chemicals added to furniture, electronics, toys, cosmetics and household products.

"Americans deserve to know that the chemicals used in everyday consumer products are safe," the senators wrote in a letter to Lisa Jackson, the U.S. Environmental Protection Agency administrator.

Sensors who signed the letter included several co-sponsors of legislation to revamp the chemical safety law, including Democrats Frank Lautenberg of New Jersey and Dick Durbin of Illinois.

For the first time, they were joined by Republicans Lisa Murkowski of Alaska and Olympia Snowe and



CHRIS MADDALONI/ROLL CALL PHOTO

Sens. Frank Lautenberg, D-N.J., and Dick Durbin, D-Ill., speak in May at a rally for a bill that would toughen regulation of chemicals such as flame retardants. On Monday senators from both parties backed updating chemical safety law.

**"Americans deserve to know that the chemicals used in everyday consumer products are safe."**

— letter to EPA signed by 26 senators

Susan Collins of Maine, who broke from the strong anti-EPA sentiment among GOP lawmakers.

The letter stopped short of endorsing Lautenberg's proposed Safe Chemicals Act, which would give the EPA more authority to regulate chemicals and require manufacturers to

prove their products are safe before putting them on the market.

However, the senators lamented that new law requires a lengthy rule-making process even to obtain basic health and safety information about chemicals.

"This reinforces why

there is broad agreement that (the chemical safety law) must be reformed to protect American families from dangerous chemicals in a cost-effective way," they wrote.

The American Chemistry Council, the chief trade group for the chemical industry, fiercely opposes Lautenberg's bill and has repeatedly noted that no Republicans support it.

"We continue to support a bipartisan effort to produce legislation that will create a world class system to regulate the safe use of chemicals and foster

American innovation and job creation," the group said in a statement.

The EPA, meanwhile, said flame retardants highlight weaknesses in the chemical safety law.

"It is time for this badly outdated law to be strengthened so EPA has the tools to quickly and efficiently obtain information from manufacturers that is relevant to determining the safety of chemicals," the agency said in a statement.

"EPA also should have clear authority to establish safety standards that are based on scientific risk as-

essments, and authority to take action when chemicals do not meet the safety standard to reduce or eliminate risk," the statement said.

In their letter, the senators said they also support an EPA effort under existing law to crack down on a group of flame retardants known as polybrominated diphenyl ethers, or PBDEs.

Since the 1970s, levels of PBDE flame retardants have dramatically built up in breast milk and babies' blood worldwide, and the chemicals have been linked to cancer, neurological deficits, impaired fertility and developmental problems. But the chemical safety law has made it difficult for the EPA to take action.

Invoking rarely used provisions of the law, the EPA has proposed rules that would all but ban the manufacturing of PBDEs in the U.S. and block imports without extensive and expensive testing.

The Tribune series detailed how an obscure White House office had delayed the rules for months under intense pressure from industry lobbyists to back off.

Industry groups fear that adopting the rules would set a precedent that would make it easier to take action against other toxic chemicals.

While the rules have since been released for public comment, several hurdles remain. After the EPA issues another version reflecting outside comments, the rules go back to the same White House office for another review.

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## Obama ratchets up tax-cut talk

Continued from Page 1

depending on how voters view Americans earning more than \$250,000 — the top 2 percent of the income scale.

Even before Obama's announcement, the Romney campaign sought to ping its interpretation, issuing a statement, echoed by congressional GOP leaders, accusing Obama of seeking to "raise taxes on families, job creators and small businesses."

Later, in a radio interview, Romney called Obama's plan "a massive tax increase on job creators and on small business."

"Successful small businesses will see their taxes go up dramatically, and that will kill jobs," he told conservative radio host John Fredericks, who's based in Hampton Roads, Va., in an interview taped to air Tuesday morning.

Obama was equally emphatic in framing the debate his way. "I'm calling on Congress to extend the tax cuts for the 98 percent of Americans who make less than \$250,000," he said Monday in the White House East Room with a group of administration officials identified as working Americans behind him.

The president and his advisers hope to use the tax issue on three levels. Obama wants voters to see the election as a choice between two competing ideologies, rather than as simply a referendum on the economic conditions of the last 3 1/2 years. Highlighting a major policy issue on which he and the Republicans disagree helps that effort.

The nation's economic recovery is being impeded by "a stalemate in this town ... between two very different views about which direction we should go in as a country. And nowhere is that stalemate more pronounced than on the issue of taxes," Obama said.

The near certainty that Congress will not act on a tax bill in the next several months also allows Obama to continue one of his favorite campaign motifs, running against a "do-nothing Congress."

Finally, although he did not mention his rival by name, a public debate on



ALEX WONG/GETTY PHOTO

Standing with a group of the White House identified as working Americans, President Barack Obama urges Congress to extend the George W. Bush-era tax cuts for one year.

taxes plays into the Obama campaign's separate effort to raise questions about Romney's taxes. Obama campaign aides have hammered at Romney in recent days, suggesting his decision to release only two years of returns implies he must be hiding something.

The issue "sets up a contrast about the choices and priorities of the candidates," said a senior Obama campaign official, speaking anonymously to discuss campaign strategy.

The issue also creates stresses in both parties, which will become evident over the next few weeks. In the House, Speaker John Boehner, R-Ohio, has promised a vote to keep all tax rates at the levels established under Bush. A vote on extending all the tax cuts for one year revs up GOP voters but also is designed to be difficult for Democrats from conservative-leaning swing districts. Some of them likely will abandon the president rather than risk being attacked for raising taxes.

Senate Majority Leader Harry Reid, D-Nev., plans to put Republicans

in a similar bind by holding a vote on what Obama has called for: extending tax rates only for those in the middle class. Some Democrats, however, would like to draw that line at incomes of \$1 million rather than \$250,000.

Republican leaders oppose extending only the middle-income tax cuts now, fearing they would lose whatever leverage they would have after the election to force Obama to accept an upper-income cut. But some Republican senators facing re-election will be loath to vote against a tax cut for middle-class voters.

The House and Senate votes are expected to be among the last ones of the summer, sending lawmakers home for the long August recess of campaigning with a major dividing line between the parties.

Polls generally show voters are happy to tax the rich, with majorities agreeing with the president that those with the highest incomes should pay more taxes.

At the same time, polls also show that Republicans

do better when they frame upper-income tax increases as a threat to small businesses, a group that voters tend to like.

"No one should see an income tax hike next year — not families, not small businesses and other job creators," Senate Republican leader Mitch McConnell, R-Ky., said Monday.

In the East Room, Obama made his case for action now.

Noting that both parties agree on extending tax cuts for the middle class, Obama said Congress should approve that step right away and argue about the rest later.

"Let's not hold the vast majority of Americans and our entire economy hostage while we debate the merits of another tax cut for the wealthy," he said.

For the assembled audience, it was an applause line. Elsewhere, critics were already firing off their rejoinders.

Tribune Newspapers' David Lauter and Maeva Reston contributed.

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## Romney's fundraising again beats Obama's

By MELANIE MASON  
Tribune Washington Bureau

WASHINGTON — Mitt Romney and the Republican Party claimed victory in the money race last month, out-raising President Barack Obama and the Democratic Party by \$35 million, according to figures put out by both campaigns Monday.

Obama and the Democratic National Committee had their strongest fundraising month of the campaign in June, reeling in a combined \$71 million from more than 706,000 individual donors.

But that wasn't enough to surpass Romney, who, along with the Republican National Committee and several state parties, pulled in \$106.1 million, marking the second consecutive month the GOP nominee's combined fundraising efforts outpaced those of the incumbent president. (In May, Romney's joint fundraising pulled in \$76.8 million, topping Obama's combined take of \$60 million.)

The nine-figure haul propelled Romney to his best fundraising month yet, as the former Massachusetts governor continued to capitalize on the large checks, up to \$75,000, that he can now solicit through joint fundraising with the Republican Party and affiliated committees.

The total also was boosted by the Supreme Court's decision to uphold Obama's health care law; a Romney representative claimed \$4.6 million — mostly in small donations — came into the joint fundraising effort in the 24 hours after the decision.

The Obama campaign has said it too received a flood of donations after the health care ruling, but it has not specified the amount.

The Obama campaign's chief operating officer, Ann Marie Habershaw, acknowledged the widening money gap in an email to donors that pressured them to give more.

"We still got beat — and not by a little bit. Romney and Republicans raised more than \$106 million, not

even including money to pro-Romney super PACs," Habershaw wrote.

"If we lose this election, it will be because we didn't close the gap enough when we had the chance," Habershaw said, directing donors to the campaign's online donations page.

The Romney campaign credited its June bounty to donors' enthusiasm for ousting Obama from the White House.

"Mitt Romney's message of restoring economic security and rebuilding our middle class is clearly resonating across the country," said Spencer Zwick, Romney's national finance chairman.

"In the months to come, these resources will be crucial to highlighting the difference between President Obama's broken promises and Mitt Romney's plan to get America on the right track again."

The Romney campaign said the tally of individual donors who gave to the campaign last month was not yet available.

For weeks, Obama campaign officials had anticipated a lopsided financial advantage in Romney's favor.

In an email to supporters in the last week of June, with the subject line "I will be outspent," the Obama campaign sought to use Romney's fundraising prowess as a rallying point for Democrats.

It may be the first president in modern history to be outspent in his reelection campaign, if things continue as they have so far, said an email signed by the president.

The former Massachusetts governor and the RNC ended June with \$160 million in the bank. The Obama campaign declined to release its cash on hand figures.

More information on the campaign's war chests, and how they've been spending those resources, will be available later this month, when the financial reports are due at the Federal Election Commission.

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# 3 GOP senators join flame retardant push

Bipartisan group backs restrictions, tells EPA safety law 'must be reformed'

*Tuesday, July 10, 2012*

**BY MICHAEL HAWTHORNE**

The first signs of bipartisan support for overhauling the nation's chemical safety law emerged Monday, as three Republicans joined 23 other senators calling for tough restrictions on toxic flame retardants.

Citing the Tribune's "Playing With Fire" investigation, which exposed a deceptive, decadeslong campaign by the tobacco and chemical industries to promote flame retardants, the lawmakers called for a sweeping update of the federal Toxic Substances Control Act.

The 1976 law gives the government little power to assess or limit dangers from flame retardants and the scores of other chemicals added to furniture, electronics, toys, cosmetics and household products.

"Americans deserve to know that the chemicals used in everyday consumer products are safe," the senators wrote in a letter to Lisa Jackson, the U.S. Environmental Protection Agency administrator.

Senators who signed the letter included several co-sponsors of legislation to revamp the chemical safety law, including Democrats Frank Lautenberg of New Jersey and Dick Durbin of Illinois.

For the first time, they were joined by Republicans Lisa Murkowski of Alaska and Olympia Snowe and Susan Collins of Maine, who broke from the strong anti-EPA sentiment among GOP lawmakers.

The letter stopped short of endorsing Lautenberg's proposed Safe Chemicals Act, which would give the EPA more authority to regulate chemicals and require manufacturers to prove their products are safe before putting them on the market.

However, the senators lamented that current law requires a lengthy rule-making process even to obtain basic health and safety information about chemicals.

"This reinforces why there is broad agreement that (the chemical safety law) must be reformed to protect American families from dangerous chemicals in a cost-effective way," they wrote.

The American Chemistry Council, the chief trade group for the chemical industry, fiercely opposes Lautenberg's bill and has repeatedly noted that no Republicans support it.

"We continue to support a bipartisan effort to produce legislation that will create a world class system to regulate the safe use of chemicals and foster American innovation and job creation," the group said in a statement.

The EPA, meanwhile, said flame retardants highlight weaknesses in the chemical safety law.

"It is time for this badly outdated law to be strengthened so EPA has the tools to quickly and efficiently obtain information from manufacturers that is relevant to determining the safety of chemicals," the agency said in a statement.

"EPA also should have clear authority to establish safety standards that are based on scientific risk assessments, and authority to take action when chemicals do not

meet the safety standard to reduce or eliminate risk,” the statement said.

In their letter, the senators said they also support an EPA effort under existing law to crack down on a group of flame retardants known as polybrominated diphenyl ethers, or PBDEs.

Since the 1970s, levels of PBDE flame retardants have dramatically built up in breast milk and babies’ blood worldwide, and the chemicals have been linked to cancer, neurological deficits, impaired fertility and developmental problems. But the chemical safety law has made it difficult for the EPA to take action.

Invoking rarely used provisions of the law, the EPA has proposed rules that would all but ban the manufacturing of PBDEs in the U.S. and block imports without extensive and expensive testing.

The Tribune series detailed how an obscure White House office had delayed the rules for months under intense pressure from industry lobbyists to back off.

Industry groups fear that adopting the rules would set a precedent that would make it easier to take action against other toxic chemicals.

While the rules have since been released for public comment, several hurdles remain. After the EPA issues another version reflecting outside comments, the rules go back to the same White House office for another review.



CHRIS MADDALONI/ROLL CALL PHOTO  
Sens. Frank Lautenberg, D-N.J., and Dick Durbin, D-Ill., speak in May at a rally for a bill that would toughen regulation of chemicals such as flame retardants. On Monday senators from both parties backed updating chemical safety law.



Sen. Frank Lautenberg, D-N.J., has brought versions of the Safe Chemicals Act to Congress since 2005.

TRIBUNE WATCHDOG UPDATE PLAYING WITH FIRE

## Senate committee OKs chemical bill

Measure requiring companies to be more transparent advances on party-line vote

By MICHAEL HAWTHORNE  
Tribune reporter

WASHINGTON — Chemical companies would need to provide more health and safety information about their products and regulators would have more

authority to force harmful substances off the market under legislation approved along party lines Wednesday by a Senate committee.

With research increasingly linking toxic chemicals to cancer, learning disabilities and other health problems, the vote represented a symbolic victory in a decades-long effort to keep troublesome compounds out of furniture, toys, cosmetics, electronics and other household products.

The Safe Chemicals Act would be the first overhaul of federal chemical law since 1976, but majority Democrats acknowledged the bill likely will not advance further without at

least some bipartisan support. Every Republican senator on the Environment and Public Works Committee opposed the measure.

Sponsoring Sen. Frank Lautenberg, D-N.J., has introduced versions of the legislation every year since 2005. Democrats revived the bill following a Tribune investigative series about toxic flame retardants, many of which remain on

the market despite studies that link them to health problems.

In an attempt to garner more votes, Lautenberg pared back several of the bill's toughest provisions. One of the biggest concessions was language allowing chemical companies to keep putting new products on the market without thorough safety testing, though the Environmental Protection Agency would get more authority to screen chemicals and require studies of potential health effects.

If research raised concerns about a chemical, the legislation would make it easier to force companies to stop making the product.

"Too many toxic chemicals end up in everyday consumer products, and too many of our children are born with untested industrial chemicals in their bodies," said Lautenberg, citing support from more than 300 groups of physicians, scientists, public health advocates and environmental organizations. "This legislation establishes a strong but practical system for guaranteeing the safety of chemicals, and that will protect American families."

Republicans said that calling for a vote now disrupted 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.

Opponents declined to submit alternatives publicly, other than a short amendment that Democrats said would tangle the EPA in bureaucratic knots and lead to further delays in chemical screenings. That proposal failed on a party-line vote.

"Everybody agrees we need — reform," said Sen. David Vitter, R-La., who has been negotiating with Lautenberg for months on a potential compromise. "But I think this is a step backward."

After the vote, the American Chemistry Council, an industry trade group that spent \$10.3 million on lobbying last year, issued a statement calling the bill "fundamentally flawed in many critical areas."

The group opposes the proposed safety standard for chemicals and said provisions requiring more public information about compounds would "undermine long-standing protections of trade secrets, seriously hampering innovations in new products and technologies."

Lautenberg's bill would revamp the Toxic Substances Control Act, a 1976 law that gives the government little power to assess or limit dangers from industrial chemicals. Citing loopholes in the law, the EPA acknowledges that it knows little, if anything, about the safety of most of the 84,000 industrial compounds in commercial use in the U.S.

Neither regulators nor consumers can tell what specific substances are used in many products, meaning it can take years for independent scientists to identify chemicals, track them in the environment and determine if they cause harm.

"EPA has not been living up to what the American public expects," James Jones, the agency's top chemical safety official, told the Senate panel at a hearing Tuesday. "But a good deal of that has to do with the challenges that the law creates for us."

A growing list of critics — including the nation's leading group of pediatricians and the Government Accountability Office, the investigative arm of Congress — have called for a dramatic overhaul.

"A lot of folks have worked hard to find middle ground," said Richard Denison, a senior scientist at the nonprofit Environmental Defense Fund who has been working on the issue for years. "This bill is an important step that places the burden on chemical companies to prove their products are safe, rather than on the EPA to prove they are unsafe."

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\* From a 2012 NA Lyra Research study, commissioned by HP. Results based on a total of 1034 HP Color LaserJet users who have used both Original HP and non-HP toner cartridges, of whom 575 experienced problems with non-HP cartridges.

† Based on a QualityLogic 2010 study comparing Original HP LaserJet monochrome toner cartridges to seven brands of non-HP toner cartridges sold in North America for the HP LaserJet P1505 and P4015 printers HP 35A and 64A and HP WW return rates in 2011 for HP Color and Monochrome LaserJet toner cartridges. These results in no way guarantee HP cartridge performance and do not constitute a warranty of any kind. HP will not be responsible for any damage caused by a faulty cartridge.

# Senate committee OKs chemical bill

Measure requiring companies to be more  
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*Thursday, July 26, 2012*

**BY MICHAEL HAWTHORNE**

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GETTY PHOTO

Sen. Frank Lautenberg, D-N.J., has brought versions of the Safe Chemicals Act to Congress since 2005.





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# Chicago Tribune



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WEDNESDAY, NOVEMBER 28, 2012

BREAKING NEWS AT CHICAGOTRIBUNE.COM

## More questions raised on city speed cameras

Vendor vying for Chicago contract is under scrutiny for problems with Baltimore's 3-year-old program

By **DAVID KIDWELL**  
Tribune reporter

Even as Chicago prepares to test speed cameras next week, problems in Baltimore's 3-year-old camera program are raising questions about one of the bidders for Mayor Rahm

Emanuel's controversial proposal that could target speeders in school and park zones over half the city.

Xerox State & Local Solutions Inc., one of two firms selected by the Emanuel administration to test cameras in Chicago, has come under scrutiny in recent

months for faulty equipment and thousands of erroneous tickets issued in Baltimore over the past three years.

Judges sided with motorists in more than half of the contested tickets examined in a Nov. 18 investigative report by The Baltimore Sun, which like the Chicago Tribune is owned by Tribune Co. The report followed months of complaints and controversy about Baltimore's program, which is

under review by a mayoral task force. The Xerox firm, which is owned by the photocopier giant, is being replaced by another contractor in January.

Xerox officials said its problems in Baltimore account for less than 1 percent of all the tickets issued under the program, and that the cameras have slowed down motorists and reduced accidents.

Please turn to Page 6



JOSÉ M. OSORIO/TRIBUNE PHOTO

Workers who did not want to identify the company they were working for install a device Tuesday on Pershing Road, a site where the city plans to test a speed camera.



NUCCIO DINIZZO/TRIBUNE PHOTO

Legal Prep Charter Academy freshman Marquez Clay, left, spends a school field trip working with attorney Andrew Avsec from Brinks, Hofer, Gilson & Lione in preparing for a mock trial this month at the firm's Chicago offices.

## Charter turns to law to inspire its charges

Legal Prep's founders set bar high, hope to feed field in need of diversity

By **BONNIE MILLER RUBIN** | Tribune reporter

The boarded-up storefronts and abandoned buildings hardly seem like fertile ground to harvest a bumper crop of future lawyers, yet that is exactly what two educational visionaries are trying to accomplish in one of Chicago's most despairing

neighborhoods. Legal Prep Charter Academy opened its doors in West Garfield Park three months ago, the only legal-themed high school in Illinois. The goal is to prepare its students — all of whom are black or Latino — for a career in

law, a profession that ranks second only to veterinary medicine in its lack of diversity.

But even if none of the school's 200 freshmen ever pass the bar exam, its administrators hope to nurture the kind of academic excellence that will ratchet up their odds for success, whatever their career path.

"We focus on the skills

Please turn to Page 12

*"(We) think we can ultimately make a difference in the legal profession."*

— Sam Finkelstein, co-founder and CEO of Legal Prep

### WATCHDOG UPDATE PLAYING WITH FIRE

## Dangerous for kids' pajamas, safe for sofas?

Flame retardant was removed from sleepwear over health worries, but study suggests it's in plenty of furniture

By **MICHAEL HAWTHORNE**  
Tribune reporter

More than three decades after manufacturers stopped making children's pajamas with a flame retardant suspected of causing cancer, new research suggests the same chemical has become the most widely used fire-resistant compound in upholstered furniture sold throughout the United States.

The study, led by Duke University chemist Heather

Stapleton, found that foam samples from more than 40 percent of 102 couches bought from 1985 to 2010 contained the chemical, known as chlorinated tris or TDCPP. More than half of the couches bought since 2005 were treated with it.

Overall, 85 percent of the couches contained flame retardants, which escape over time and settle in household dust that people ingest, especially young children who play on the floor and frequently put their hands into their mouths. Several of the flame retardants detected in the new study have been linked to hormone disruption, developmental problems, lower IQ and impaired fertility.

The Tribune's Playing Please turn to Page 20

### MARVIN MILLER 1917-2012

## The man who changed professional sports

MLB union chief fought for players' right to free agency

By **DAVID WHARTON**  
Tribune Newspapers

Nothing about Marvin Miller seemed feisty or controversial at first glance; the soft-spoken economist was a smallish man with gray hair and a tidy mustache.

But as a union leader, it was Miller who took on baseball's establishment in the late 1960s, eventually guiding players to an era of mega-salaries and free agency, thereby changing the landscape of American sports.

"Nobody realized how gargantuan the task was," he said years later. "Major league players were, at the time, truly brainwashed." Miller died Tuesday at his home in Manhattan, several months after being diagnosed with liver cancer, his family announced. He was 95.



GETTY PHOTO

Marvin Miller led the MLB players union from 1966-82.

### In Business

Phil Rosenthal: Miller's union a model for all sports.

Historian Studs Terkel characterized him as "the most effective union organizer since John L. Lewis," the legendary mine workers leader. Hank Aaron, one of the game's most prolific

Please turn to Page 20



**Vaughn gets 4 life terms for killing family**  
ChicagoLand, Page 4

### Bill pushes corporate tax transparency

Democratic state Senate President John Cullerton and House Majority Leader Barbara Flynn Currie are seeking passage of legislation that would set the stage for examining Illinois' tax code and whether businesses are paying their fair share.  
Business



### CPS chief takes schools plan to Springfield

Two panels back giving CPS chief Barbara Byrd-Bennett until March 31 to announce plans for school closings.  
ChicagoLand, Page 10

### 'Life or death' for bus riders, Lincoln shops

Columnist Mary Schmitt finds out why riders and merchants vehemently oppose CTA plans to cut a North Side bus route in December.  
ChicagoLand, Page 4



Tom Skilling's forecast High 40 Low 29

Chicago Weather Center: Complete forecast on back page of A+E section

\$1.00 city and suburbs, \$1.25 elsewhere 165th Year No. 333 © Chicago Tribune



# Miller freed players to make millions

Continued from Page 1

home run hitters, wrote that the "total for the players has to be paid over the eight-year term." During Miller's tenure as head of the Major League Baseball Players Association from 1982 to 1986, average salaries rose from \$100,000 to \$1.5 million, and the league's revenue rose from \$1 billion to \$2 billion.



Former Major League Baseball Players Association leader Marvin Miller, third from left, sits at the bargaining table in an effort to avert a players' strike in 1981. The players eventually went on strike in 1981—lasting 46 days—before Miller negotiated their return to the league as a condition.

Miller presented a combination of economic and political arguments, coverage and press that is largely forgotten in its original context," said Miller. Players were not allowed to strike (contractual) and the National Labor Relations Board had to rule in their favor. Miller's had more power than he realized. Miller, as head of the baseball players' union, was able to force the owners to accept his terms and a new order in which former players could benefit from his efforts.

"That forced people into negotiating Miller was not the only way to do it," said Miller. "The new order was a byproduct of a combination of factors: the economic situation, the political situation, and the fact that Miller made the owners and players realize that they had to accept his terms or else they would lose their jobs." Miller also made the owners realize that they had to accept his terms or else they would lose their jobs.

"The club owners are seeing the writing on the wall and they are beginning to realize that they have to accept his terms or else they will lose their jobs," Miller said. "The club owners are seeing the writing on the wall and they are beginning to realize that they have to accept his terms or else they will lose their jobs."

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# Risky for pajamas, safe for furniture?

Continued from Page 1

With fire risks published in May, retailers had time to adjust. But some retailers are concerned that the new standards will affect their sales. The National Fire Protection Association (NFPA) says that the new standards will affect the sales of some retailers.

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# Flame retardants found in couches

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# Dangerous for kids' pajamas, safe for sofas?

Flame retardant was removed from sleepwear over health worries,  
but study suggests it's in plenty of furniture

*Wednesday, November 28, 2012*

**BY MICHAEL HAWTHORNE**

More than three decades after manufacturers stopped making children's pajamas with a flame retardant suspected of causing cancer, new research suggests the same chemical has become the most widely used fire-resistant compound in upholstered furniture sold throughout the United States.

The study, led by Duke University chemist Heather Stapleton, found that foam samples from more than 40 percent of 102 couches bought from 1985 to 2010 contained the chemical, known as chlorinated tris or TDCPP. More than half of the couches bought since 2005 were treated with it.

Overall, 85 percent of the couches contained flame retardants, which escape over time and settle in household dust that people ingest, especially young children who play on the floor and frequently put their hands into their mouths. Several of the flame retardants detected in the new study have been linked to hormone disruption, developmental problems, lower IQ and impaired fertility.

The Tribune's Playing With Fire series, published in May, revealed how flame retardants are commonly found in American homes as a result of a decades-long campaign of deception by the tobacco and chemical industries. Among other things, the leading manufacturers of flame retardants created a phony consumer group that stoked the public's fear of fire to protect and expand the use of their chemicals in furniture, electronics and other products.

The new study, to be released Wednesday in the peer-reviewed journal *Environmental Science & Technology*, is the first to outline how widespread flame retardants have become in furniture and suggests their use has increased in recent years. Researchers also tracked how the chemical industry has shifted over time from one troublesome flame retardant to another and has introduced new, chemically similar compounds with little or no study about potential health effects.

Another new study in the scientific journal found that chlorinated tris was the most commonly detected flame retardant in dust from the homes tested.

"People just don't have a choice now," said Arlene Blum, a University of California at Berkeley chemist and co-author of the couch study. "These chemicals are in everybody's furniture and pose serious health problems."

Earlier research by Blum led to the voluntary removal of chlorinated tris from children's pajamas in the late 1970s. Because it wasn't formally banned, companies can legally add it to other products without informing government regulators or the public.

Responding to questions about the couch study, the American Chemistry Council, the chief trade group for the chemical industry, said flame retardants in furniture help save lives. "There is no data in this study that indicate that the levels of flame retardants found would cause any human health problems," the group said in a statement.

The trade group also cited an analysis of a government-funded study that it said

shows “flame retardants in upholstered furniture can provide valuable escape time” from house fires.

However, studies by the U.S. Consumer Product Safety Commission and Underwriters Laboratories found that flame retardants in household furniture cushions provide no meaningful protection from fires.

Two of the world’s leading manufacturers of the chemicals, Louisiana-based Albemarle Corp. and Israel-based ICL Industrial Products, have pledged to stop making chlorinated tris after fiercely defending its use for years.

Albemarle said it no longer markets chlorinated tris and is in the process of shutting down its production of the flame retardant and related chemicals. ICL said it will stop selling chlorinated tris for use in furniture and children’s products Jan. 1 and stop making it altogether by the end of 2015. Other overseas companies still make the flame retardant.

The announcements by Albemarle and ICL come after chemical manufacturers in October 2011 failed to block California from officially listing the flame retardant as a carcinogen and moving to require warnings on products that could expose people to unsafe levels. Other major health organizations already had concluded that the chemical is a cancer risk, including the World Health Organization, the National Cancer Institute and the National Research Council.

In a statement, ICL said its decision reflected its “commitment to market leadership, innovation and responsiveness to market conditions and customer needs.” Albemarle called its move part of an effort to restructure “underperforming assets.”

More changes could be on the way. In the wake of the Tribune series, California Gov. Jerry Brown is pushing to overhaul his state’s 37-year-old flammability standard for residential furniture, which if adopted could lead to a dramatic reduction in the use of chemical flame retardants.

For now, furniture manufacturers say, the cheapest way to comply with the California standard is to add flame retardants to the foam cushions of couches and upholstered chairs sold in every state. California officials and the CPSC have concluded that a more effective solution is using upholstery that resists smoldering cigarettes, the leading cause of furniture fires, without requiring the use of chemical flame retardants.

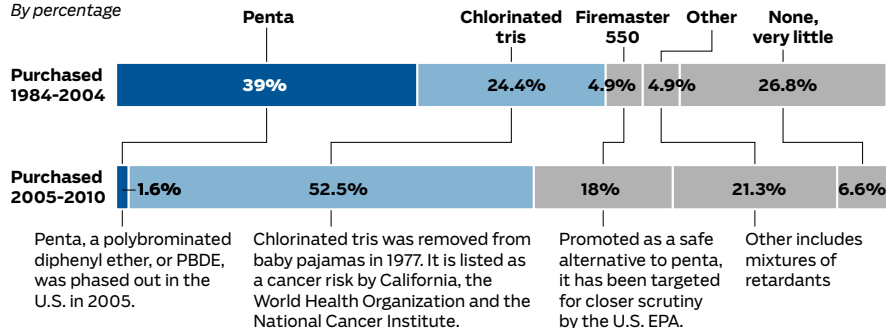
In the new couch study, researchers collected foam samples from volunteers who were solicited for help at public meetings or signed up for mailing lists about toxic chemicals. The authors said that while the sample size was large, it might not be representative of the U.S. as a whole.

## Flame retardants found in couches

Duke University and University of California at Berkeley scientists studied flame-retardant chemicals in 102 couches and found that when one toxic chemical was phased out (penta), another took its place (chlorinated tris).

### WHAT WAS FOUND IN 102 COUCHES

By percentage



SOURCE: Journal of Environmental Science & Technology

TRIBUNE

Furniture made with flame retardants sometimes features a label stating that it complies with Technical Bulletin 117, the California flammability standard. But the study found that nearly two-thirds of the couches without a label still contained the chemicals.

The new research provides evidence that the chemical industry started relying more heavily on chlorinated tris in 2005, when the sole manufacturer of another flame retardant known as penta agreed to stop making it in response to studies that revealed it builds up in people and triggers neurological problems in children.

Of the couches bought before 2005, 39 percent contained penta and 24 percent contained chlorinated tris. More than half of the couches bought since 2005 contained chlorinated tris.

Officials at the federal agency that regulates industrial chemicals, the Environmental Protection Agency, say they are largely powerless to do anything about chlorinated tris and other flame retardants. The EPA has cited industry's continued use of chlorinated tris as an example of why it backs an overhaul of the nation's chemical safety law, the 1976 Toxic Substances Control Act.

Existing law allows chemical companies to put products on the market without proving they are safe and makes it practically impossible to ban chemicals after health effects are documented.

The couch study suggests it is increasingly difficult to avoid flame retardants in furniture. More than a quarter of the older couches tested either did not contain the chemicals or had only trace amounts. After 2005, all but about 7 percent of the couches contained flame retardants.

If a newer couch didn't contain chlorinated tris, the study found, it likely was treated with another flame retardant known as Firemaster 550, which the EPA initially described as a safe, environmentally friendly alternative to penta. It was found in 18 percent of the newer couches tested.

The EPA now considers Firemaster 550 a potential health threat, citing widespread exposure from household products.

Philadelphia-based Chemtura, the manufacturer of Firemaster 550, says it is safe. But the EPA became more concerned after a recent study by Stapleton and Heather Patisaul, a toxicologist at North Carolina State University, showed that small doses triggered obesity, anxiety and developmental problems in baby rats.

In the new peer-reviewed study of flame retardants in household dust, researchers from the nonprofit Silent Spring Institute found chlorinated tris in 75 percent of the 16 California homes tested. Other flame retardants found in house dust included chemicals in Firemaster 550 and nearly 40 other compounds.

The researchers also found penta, the flame retardant phased out in 2005. The discovery suggests that Americans can continue to be exposed to chemicals even after manufacturers stop making them, in part because people typically own furniture for years and many flame retardants are designed to be long-lasting.

"These chemicals just shouldn't be in household products," said Ruthann Rudel, the nonprofit group's research director. "By now it doesn't take a rocket scientist to realize they are bad for us."

## EDITORIALS

### TRIBUNE WATCHDOG PLAYING WITH FIRE



ALEX GARCIA/TRIBUNE PHOTO ILLUSTRATION

A Tribune series on flame retardants in furniture revealed chemicals pushed by Big Tobacco don't work as promised and pose risks.

## A public health debacle over flame retardants

Over the last week, we read "Playing With Fire," the chilling Tribune investigation by reporters Patricia Callahan, Sam Roe and Michael Hawthorne, with a growing sense of anger.

Anger at how a confluence of industry manipulation and government neglect created a danger for the public. Chemicals that are used in household furnishings such as sofas and chairs to slow fire do not work.

"The fire just laughs at it," a leading fire scientist told the Tribune, referring to flame retardant foam.

And some fire retardant materials used over the years pose serious health risks. They have been linked to cancer, neurological deficits, developmental problems and impaired fertility. A lot of household furniture is chock full of these chemicals. They escape from the furniture and settle in dust. That's particularly dangerous for toddlers, who play on the floor and put things in their mouths.

Wrap your mind around this: A typical American baby is born with the highest recorded concentrations of flame retardants among infants in the world.

And adults? Blood levels of certain widely used flame retardants doubled in adults every two to five years between 1970 and 2004. Recent studies show levels haven't budged even though some chemi-

cals have been yanked from the market. You may be sitting on a sofa that has two pounds of fire retardant in the cushions. It may be in the padding underneath your carpet. In your child's highchair and diaper-changing pads.

You have been sold a false sense of security about the risk of your furniture burning, and you've been exposed to dangerous chemicals you didn't know about. If you're not angry, you ought to be.

How were U.S. consumers and manufacturers sold on the safety and effectiveness of flame retardant chemicals? The Tribune series found: ■ The tobacco industry launched an aggressive campaign decades ago to convince Americans that the problem of house fires sparked by cigarettes shouldn't be solved by creating a "fire-safe" cigarette. Instead, the industry shifted the focus to the furniture often ignited by smoldering cigarettes. A tobacco representative helped organize the National Association of State Fire Marshals and shaped its requests for federal rules requiring flame retardant furniture.

■ A prominent burn doctor's misleading testimony was part of a campaign of deception and distortion on the efficacy of these chemicals. The chemical industry "has disseminated misleading research findings so frequently that they

essentially have been adopted as fact," Roe and Callahan wrote.

■ The U.S. Environmental Protection Agency, whose mission is to safeguard America's health and environment, has allowed generation after generation of flame retardants onto the market without rigorously evaluating the health risks.

We welcome the quick response and clear-eyed assessment of this from Sen. Dick Durbin.

"It is now clear that the U.S. Environmental Protection Agency, wittingly or unwittingly, has allowed the manufacturers of these chemicals to flood American households with substances that abundant scientific evidence finds harmful," Durbin wrote to EPA officials in a letter released Thursday.

Durbin is also pressing the Consumer Product Safety Commission to explain why it has dragged its feet on flammability rules for furniture. He's in good position to demand answers — Durbin played a key role in reforming the once notoriously industry-friendly commission in 2008. It looks, though, like that job hasn't been completed.

We're talking about the safety of people in their own homes. Products that were sold as protecting them instead can harm them. Anger? That's too mild. This is outrageous.

## More like this, Part 2

31 senators cast the tough vote that others only promise

Who says government can't move quickly? One day after the Illinois House voted to kill a generous retirement perk for most state retirees, the Senate did the same by a 31-20 tally. The bill heads to Gov. Pat Quinn's desk. Quinn said late Thursday that he will sign it.

Once he does, retired state and university employees, General Assembly members and judges no longer will enjoy virtually free health care. Taxpayers will no longer pay the full \$800 million annual price tag of covering retiree health care premiums. Instead, a state agency overseen by a legislative committee will determine premium costs based on how much money state government has available. Retirees will help carry the load, based on a sliding scale of how much they earn in retirement. This is called sea change.

Some members of the House and Senate, however, rejected any change at all. They preferred to stick with the status quo, even while acknowledging the state's dire financial condition. Every two years, these lawmakers hit the campaign trail promising to take tough votes. But they manage to find an excuse to take the easy outs — such as pretending Illinois can afford to keep paying so much for retiree health care.

State Sen. Michael Frerichs, D-Champaign, did just that. He voted to keep the health care perk in place because he said there were too many questions about the bill. Too many questions? The legislation has been debated and negotiated for more than a year. It's hardly a new issue. Frerichs voted "no" because he represents teachers and state workers affiliated with the University of Illinois in his district.

Senator Frerichs At least be honest about why you're protecting the status quo.

State Sen. Larry Bomke, R-Springfield, predictably voted against the bill. Too many state workers in his district. Too much union pressure. Not enough moxie.

The state is broke, the need to contain retirement benefits is obvious, yet Frerichs and Bomke and 18 other senators couldn't see past the boundaries of their districts. And then there was Sen. Iris Martínez, D-Chicago, who voted "present." Brave.

We focus on this reluctance because there are even tougher votes ahead to turn this state toward fiscal solvency. Despite these weak-kneed senators, the bill passed with one vote to spare. Thirty-one senators made a difficult choice to help the state get a handle on its expenses. Hats off to them.

The spring legislative session is in full swing. Adjournment is scheduled for May 31. Lawmakers took a giant step this week toward fiscal responsibility. We hope it's not the last. In a Thursday editorial headlined "More like this, please," we praised the House's 74-43 vote on the retiree health care bill. We also explained that two more items require the same tenacity: pensions and Medicaid reform. Quinn has made reforming these areas top priorities for this session.

The governor can sign bills, but only the ones that reach him. Lawmakers, keep it up.

### WHAT OTHERS ARE SAYING

There is more than a grain of truth in Mitt Romney's claim that General Motors and Chrysler owe their survival to the wholesale restructuring carried out under the auspices of the U.S. Bankruptcy Court — a strategy Romney championed months before the Obama administration or its predecessor were willing to embrace it. So why does Romney keep embellishing that legitimate point with the fraudulent assertion that he played a key role in the domestic auto industry's reversal of fortune? Is the presumptive GOP nominee delusional? Or is he simply too dishonest to acknowledge that Detroit's survival was assured only after the Obama administration combined the massive injection of federal aid Romney opposed and the managed bankruptcy he favored?

Detroit Free Press

You can call Muslim immigration an "enrichment" if you like, but a poll that appeared in Le Monde in December 2010 shows that only 22 percent of French people and 24 percent of Germans see it that way; 42 percent and 40 percent, respectively, see Muslim communities as a threat.

Like others who have written about the challenge of international migration, (Walter) Laqueur notes that many Europeans today feel like "strangers in their own homelands." Where he differs from most of these writers is in his belief that, while no one was watching, Europe's migration problem came to exceed Europe's capacity to address it. ...

How to assimilate immigrants into Europe's culture is yesterday's question. Today's question is how to adapt Europe's institutions to non-European communities that are so large, so powerful and so various that nonassimilation is often the path of least resistance, both for them and for the broader society.

Christopher Caldwell, The New Republic

### SCOTT STANTIS



EDITORIAL

# 'The fire just laughs at it'

A public health debacle over flame retardants

*Friday, May 11, 2012*

Over the last week, we read "Playing With Fire," the chilling Tribune investigation by reporters Patricia Callahan, Sam Roe and Michael Hawthorne, with a growing sense of anger.

Anger at how a confluence of industry manipulation and government neglect created a danger for the public.

Chemicals that are used in household furnishings such as sofas and chairs to slow fire do not work.

"The fire just laughs at it," a leading fire scientist told the Tribune, referring to flame retardant foam.

And some fire retardant materials used over the years pose serious health risks. They have been linked to cancer, neurological deficits, developmental problems and impaired fertility. A lot of household furniture is chock full of these chemicals. They escape from the furniture and settle in dust. That's particularly dangerous for toddlers, who play on the floor and put things in their mouths.

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How were U.S. consumers and manufacturers sold on the safety and effectiveness of flame retardant chemicals?

The Tribune series found:

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# Burn surgeon gives up medical license

Fabricated testimony for fire retardants led to doctor's downfall

By SAM ROE AND PATRICIA CALLAHAN  
Tribune reporters

As one of the nation's top burn surgeons, Dr. David Heimbach was a perfect choice to enlist as a star witness. His dramatic testimony about babies burned to death in furniture fires helped convince lawmakers they shouldn't scale back use of flame retardants.

But the stories weren't true, and the organization backing him turned out to be a chemical industry front group.

This week, facing disciplinary charges in the state of Washington, Heimbach surrendered his medical license.

State officials had alleged that Heimbach, whose activities were exposed in a 2012 Tribune investigation, fabricated testimony and falsely presented himself as an unbiased burn expert when, in fact, he had been paid \$240,000 for his help.

Heimbach and manufacturers have defended flame retardants, which are added to furniture cushions, despite research that shows they don't provide any meaningful protection from home fires.

Heimbach's decision to surrender his license, made public Wednesday, represents a stunning fall. For 25 years, Heimbach was head of the burn center at Harborview Medical Center in Seattle, and he was a longtime surgery professor at the University of Washington. He once received an award from the Dalai Lama for his care of burn victims

around the world.

But he could not withstand the most serious charge against him: telling lawmakers false stories of babies who suffered fatal burns while on cushioning that lacked flame retardants. The infants, as he described them, did not exist.

By giving up his license, Heimbach avoids further penalties, such as a fine.

"For a doctor to lose his license is a huge blow — and a sorrowful day," said Suzanne Mager, attorney for Washington's Medical Quality Assurance Commission, which brought the charges. "Dr. Heimbach was truly world-renowned for the good things that he had done."

Earlier this year, Heimbach told authorities that he had retired from Harborview and the University of Washington, no longer practiced medicine and had moved to Hawaii.

In an email to the Tribune on Wednesday, Heimbach said he did not fight the disciplinary charges because he had no intention of renewing his license. "Fighting back would require lawyers and probably several trips back to Seattle, and might well accomplish the same result," he wrote.

Heimbach added: "In nearly 50 years of practice I have never been subject to a lawsuit or any discipline. I am sorry this whole business ever occurred."

The Tribune investigative series "Playing With Fire" prompted the disciplinary charges, which mirrored the newspaper's findings. The Tribune reported how Heimbach's testimony was part of a campaign of deception by industry to promote the use of flame retardants — harmful chemicals that migrate from furniture and wind up in the bodies

of adults and children.

In an earlier interview with the newspaper, Heimbach said his testimony about babies dying in fires was not about different children but about the same infant. But the Tribune reported that this baby did not die in the way that Heimbach described in his testimony and that flame retardants were not a factor.

Heimbach, a former president of the American Burn Association, initially told the Tribune that his testimony was meant to be anecdotal and that he "wasn't under oath." Later, through an attorney, he said he changed the facts to protect patient privacy.

In its charges, the commission cited Heimbach's work for Citizens for Fire Safety, an organization the Tribune exposed as a front group founded, funded and controlled by the three largest manufacturers of flame retardants. When states considered laws that would ban or limit the use of flame retardants, Citizens for Fire Safety stirred the public's fear of fire and downplayed the health risks linked to the chemicals, such as cancer, neurological deficits, developmental problems and impaired fertility.

Citizens for Fire Safety had described itself as a broad-based coalition with altruistic intentions: "a coalition of fire professionals, educators, community activists, burn centers, doctors, fire departments and industry leaders, united to ensure that our country is protected by the highest standards of fire safety." As a well-respected burn surgeon, Heimbach gave Citizens for Fire Safety credibility.

In written responses to questions from the commission, Heimbach said Citizens for Fire Safety paid him a total of



TRIBUNE PHOTO 2011

Dr. David Heimbach was paid by the chemical industry to testify for the use of flame retardants.

\$240,000 for consulting work in 2010 and 2011 — a fact he never disclosed at legislative hearings.

Heimbach told the commission he was recruited by a former president of the American Burn Association and that he was told Citizens for Fire Safety was a broad coalition. He said he only learned of the chemical industry's role from the Chicago Tribune's reporting.

"I should have been more circumspect regarding this, but I was an advocate of fire retardants, and had read the scientific literature indicating that they were useful and that the benefits exceeded the risks of their use," he wrote to the commission. "I only learned the true circumstances after the newspaper articles appeared. Mea culpa for this."

Heimbach told the commission he still believes that flame retardants are useful and that his testimony was sincere.

"I don't believe I misrepresented any of the issues," he wrote, "and I had no intention of misleading anyone."

After the Tribune series was published, California regulators, whose standard was responsible for the widespread use of flame retardants in American furniture, changed the rules so that furniture can be made without the use of the chemicals. And the chemical industry front group that paid Heimbach folded.

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# Surgeon ripped for falsehoods

Doctor who testified for flame retardants could be disciplined

BY SAM ROE AND  
PATRICIA CALLAHAN

Tribune reporters

In a stern rebuke of a noted surgeon, the state of Washington has issued disciplinary charges against Dr. David Heimbach, who told lawmakers misleading stories about fatally burned babies while testifying in favor of flame retardants.

Medical licensing authorities allege that Heimbach, whose activities were exposed in a 2012 Tribune investigation, fabricated testimony, failed to disclose his ties to the chemical industry and falsely presented himself as an unbiased burn expert when he was in fact collecting \$240,000 from flame retardant manufacturers.

Heimbach's "misrepresentations to legislators, to burn experts, and to other doctors is conduct which harms the reputation of the profession," the state Medical Quality Assurance Commission wrote in charges filed this week. "This conduct demonstrates an unfitness to bear the responsibilities, or enjoy the privileges, of the



PHOTO FOR THE TRIBUNE 2011

Dr. David Heimbach presented himself as an unbiased expert but was being paid by the industry.

profession."

He faces seven charges, including unprofessional conduct and violating patient privacy. Possible penalties include fines and license revocation. A hearing has not been set.

Commission attorney Suzanne Mager said Thursday that the agency has rarely been involved in a case alleging "such pervasive misrepresentations."

Heimbach, a retired surgery professor at the University of Washington and retired physician at

Turn to *Fire*, Page 10

# Doctor's false fire stories imperil license

Fire, from Page 1

Harborview Medical Center in Seattle, could not be reached for comment. His last two known attorneys said they no longer represent him.

Mager said the Tribune investigation sparked the commission's actions, and the charges mirror the newspaper's findings. The Tribune reported how Heimbach's testimony was part of a campaign of deception by industry to promote the use of flame retardants, even though the chemicals do not provide meaningful protection from furniture fires.

The Tribune detailed how Heimbach told lawmakers gripping stories of babies suffering fatal burns while on cushioning without flame retardants. But the infants, as he described them, did not exist.

In an earlier interview with the newspaper, Heimbach said his testimony about babies dying in fires was not about different children but about the same infant. He emailed the Tribune two photographs of a severely burned child whom he said he had in mind when testifying. Contrary to his testimony, he said he had not taken care of the patient.

But the Tribune series reported that this baby did not die in the way that he described in testimony and



ROBERT DURELL/PHOTO FOR THE TRIBUNE

Dr. David Heimbach, left, testifies at a California hearing in 2011. Heimbach, a burn surgeon, was often the star witness for the industry-backed Citizens for Fire Safety.

that flame retardants were not a factor.

Heimbach, a former president of the American Burn Association, initially told the Tribune that his testimony was meant to be anecdotal and that he "wasn't under oath." Later, through an attorney, he said he changed the facts to protect patient privacy.

Yet the most crucial parts of his testimony to lawmakers — the cause of the fire and the lack of flame retardants — had nothing to do with privacy. Instead they served to bolster the industry's argument that chemical retardants save lives.

Four of the commission's charges relate to Heimbach obtaining and showing photographs of the burned infant without permission. In 2012, the University of Washington admonished

Heimbach, saying he violated federal privacy rules by showing photographs of the burned infant at a medical conference.

The commission also alleges that Heimbach inflated the cost of medical care for that baby. His testimony made the absence of flame retardants an economic issue by emphasizing that the child's hospital bills were paid for by taxpayers under the Medicaid program for low-income families. In 2009, he told California Assembly members that her hospital bill was "a half million dollars." Two years later, he told California senators, "This is a statewide problem because most of these people are covered by Medicaid insurance, and her hospital bill was nearly \$1 million."

In fact, the commission

said, the baby's treatment and hospitalization charges totaled \$90,000; after contracted discounts, Medicaid paid \$77,000. Heimbach told the commission that he didn't know what her exact bill was, so he estimated.

In its charges, the commission cites Heimbach's work for Citizens for Fire Safety, an organization the Tribune exposed as a front group founded, funded and controlled by the three largest manufacturers of flame retardants. When states considered laws that would ban or limit the use of flame retardants, Citizens for Fire Safety stoked the public's fear of fire and downplayed the risks of the chemicals. The industry has since folded the group.

Citizens for Fire Safety had described itself as a broad-based coalition with

altruistic intentions: "a coalition of fire professionals, educators, community activists, burn centers, doctors, fire departments and industry leaders, united to ensure that our country is protected by the highest standards of fire safety." As a well-respected burn surgeon, Heimbach gave Citizens for Fire Safety credibility. At legislative hearings, he was the group's star witness.

In written responses to questions from the commission, Heimbach said Citizens for Fire Safety paid him a total of \$240,000 for his "time and expertise" as a consultant in 2010 and 2011. Heimbach told the commission he introduced Citizens for Fire Safety members to prominent burn doctors and arranged receptions and educational sessions at burn meetings.

Heimbach, who told the commission that the Tribune's stories were "biased attack articles," wrote that he cares passionately about burn prevention and summarized his views on flame retardants: "I have reviewed considerable literature regarding fire retardants and have come to my own conclusion that the benefits outnumber the risks with their use."

Heimbach told the commission that when he learned of proposed laws involving flame retardants in Western states, he volun-

teered to provide his expertise to the legislators. "I was neither paid separately to do these, nor was any specific agenda for comments given me," he said.

Of the money he received, Heimbach wrote, "It is my understanding that this income is not dissimilar from that of other medical consultants from pharmaceutical and instrument companies."

Heimbach, who told the commission he had never been sued or reprimanded during his long medical career, attached a letter from 60 fellow physicians praising his "40-year history of saving lives."

"He has been an ally to children with little chance of survival, a mentor to other burn doctors faced with the challenges of an extremely intense vocation, and a ray of hope to the families of burn sufferers," the letter of support said.

Massachusetts lobbying records show that the lead author of that letter, a burn doctor, has received money for hotel and airfare expenses from Citizens for Fire Safety. When that doctor defended flame retardants at a federal safety commission meeting in 2011, he signed in as a representative of "CFS," the initials for Citizens for Fire Safety.

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# New rule curbs toxic chemicals in furniture

California's change may help end use of fire retardants nationwide

BY MICHAEL HAWTHORNE AND SAM ROE

Tribune reporters

For decades, U.S. manufacturers have filled upholstered furniture with pounds of toxic chemicals to comply with a flammability standard set by a single state, California.

The obscure rule, known as Technical Bulletin 117, brought flame retardants into homes across the country. American babies came to be born with the highest recorded average concentrations of the chemicals among any infants in the world.

But on Thursday, California threw out the 38-year-old rule and approved a new one that furniture manufacturers can meet without using flame retardants.

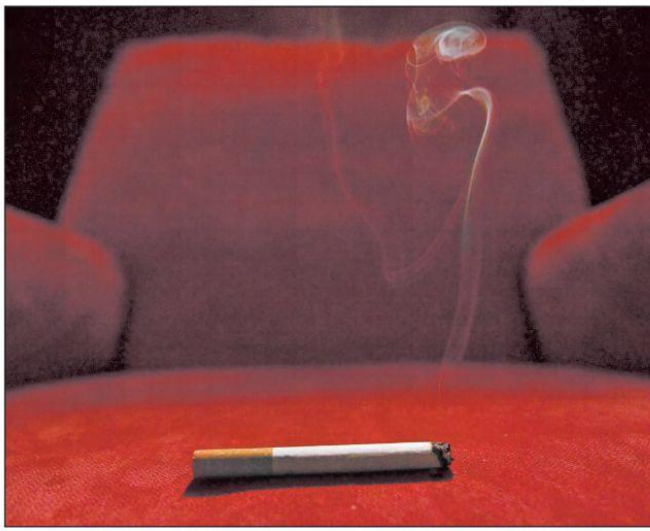
The updated rule does not ban the chemicals. However, manufacturers have said they expect to stop adding them to furniture foam, holding out hope that consumers soon can start shopping for

couches and other upholstered furniture free of flame retardants linked to cancer, developmental problems, reduced IQ and impaired fertility.

California Gov. Jerry Brown moved to scrap the old rule after a Tribune investigative series documented how the chemical and tobacco industries waged a deceptive campaign to promote the use of flame retardants, even though government and independent research shows the chemicals do not provide meaningful protection from furniture fires.

The new standard, to be phased in during 12 months beginning Jan. 1, requires upholstery fabric to resist a smoldering cigarette — the biggest cause of furniture fires. It is modeled in part after a voluntary standard adopted by the furniture industry and

Please turn to **Page 20**



ALEX GARCIA/TRIBUNE PHOTO ILLUSTRATION

California's new standard requires upholstery fabric to resist a smoldering cigarette, the biggest cause of furniture fires. Manufacturers plan to stop using fire retardants in foam.

## New furniture rule ends need for toxic chemicals

Continued from Page 1

a national smolder standard proposed by the U.S. Consumer Product Safety Commission, which has found that specially designed furniture fabric is far more effective at preventing fires than adding flame retardants to the foam underneath.

Brown's support proved to be crucial in a long campaign by scientists and public health advocates to get toxic flame retardants out of furniture. The changes also apply to baby products, some of which have been made with flame retardants despite little evidence they pose a fire hazard.

"There's going to be less flame retardants in furniture, in dust and in us," said Arlene Blum, a University of California at Berkeley chemist who has drawn attention to health risks posed by the toxic compounds. "It's great for everyone's health."

Tonya Blood, chief of the state agency in charge of enforcing the rule, said she is confident the changes will have a significant impact.

"Many manufacturers have stated that they will be removing flame retardants from their furniture," she said Thursday after Brown announced approval of the new standards.

A top official for the American Home Furnishings Alliance, an industry trade group, has said most companies can comply within a month after the changes take effect, though compliance isn't mandatory until Jan. 1, 2015. Retailers will be allowed to sell inventories of products that could still contain flame retardants.

Bob Luedeka, executive director of the Polyurethane Foam Association, said the furniture foam industry will be able to meet the new standard quickly.

He predicted consumers will start seeing furniture made without flame retardants in stores in about six

### READ THE SERIES

"Playing With Fire" exposed a deceptive campaign by industry to bring flame retardants into our homes and to keep them there despite mounting evidence of health risks. To read the series, download the e-book at [chicago.tribune.com/ebooks](http://chicago.tribune.com/ebooks). It's free to digitalPLUS members and seven-day subscribers.

months and does not expect any change in retail prices.

Since 1975, California has required the foam cushions in upholstered furniture to withstand a candlelike flame for 12 seconds, a standard manufacturers met nationwide by adding flame retardants.

As scientists increasingly raised alarms about health risks posed by flame retardants, the chemical industry thwarted multiple attempts by California lawmakers and health advocates to change the flammability rule through legislation.

When lawmakers considered eliminating the candle test, the chemical industry's star witness, burn surgeon David Heimbach, testified about babies who burned to death in fires started by candles. But the Tribune series showed that the babies he described didn't exist.

The newspaper also documented that the group sponsoring Heimbach — the Citizens for Fire Safety Institute — was a front group for the three largest manufacturers of flame retardants. The industry has since shut down that group.

An arm of the American Chemistry Council, the chief trade group for the chemical industry, said the changes to California's flammability standard pose a safety risk.

"Families in California should have serious con-

cerns that state officials are lowering fire standards and removing an important layer of fire protection that has benefited Californians for more than 35 years," Steve Risotto, spokesman for the North American Flame Retardant Alliance, said in a statement. The new rule "sacrifices fire safety," he said, "with no public health gain."

The Tribune series, "Playing With Fire," documented how the chemical industry has repeatedly misled the public with flawed data and questionable claims about the effectiveness of flame retardants. The lead author of one government study cited by the industry told the newspaper his findings have been grossly distorted and that the amount of flame retardants used in household furniture doesn't work.

Meanwhile, testing by Duke University chemist Heather Stapleton suggests the most commonly used flame retardant in upholstered furniture and baby products is chlorinated tris — a chemical the industry voluntarily removed from children's pajamas in the late 1970s after scientists found that it could mutate DNA.

Furniture made under the new California rule will feature a label stating that it complies with Technical Bulletin 117-2013. But advocates advised consumers to hold retailers accountable when shopping for new furniture.

"While many manufacturers may elect to remove the chemicals, others may elect to leave them in due to concerns about liability," said Judy Levin of the Center for Environmental Health, a nonprofit group that has found flame retardants in baby products and crib mattresses. "So consumers will definitely have to be diligent and ask specific questions."

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**TRIBUNE WATCHDOG UPDATE** PLAYING WITH FIRE

# EPA targets flame retardants

## As Senate panel learns of probe, 2nd agency seeks power to remove toxins from homes

**BY MICHAEL HAWTHORNE**  
Tribune reporter

WASHINGTON — The U.S. Environmental Protection Agency on Tuesday announced it will conduct a broad investigation of flame

retardants that a Tribune series identified as examples of the government's failure to protect Americans from toxic chemicals.

Meanwhile, the head of the Consumer Product Safety Commission urged lawmakers to grant special

authority that could speed the removal of hazardous flame retardants from new upholstered furniture, including sofas that can contain up to 2 pounds of the chemicals in their foam cushions.

The initiatives, outlined

at a Senate subcommittee hearing, opened new fronts in a debate about chemicals that for years have been added to a wide variety of household goods and baby products, even as a growing amount of research has identified health concerns and raised doubts about whether flame retardants prevent fires.

The Tribune's "Playing With Fire" investigation,

which prompted the hearing, exposed a deceptive, decades-long campaign by the tobacco and chemical industries to promote flame retardants. Tapping into the public's fear of fire, industry created a phony consumer group that distorted science and helped organize an association of top fire officials to advocate greater use of flame retardants in furniture and electronics.

Promoted as lifesavers, flame retardants added to furniture cushions actually provide no meaningful protection from fires, according to federal researchers and independent scientists. Some of the most widely used chemicals are linked to cancer, neurological deficits, developmental problems and impaired fertility.

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# EPA targets flame retardants after Tribune report

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James Jones, the EPA's top chemical safety official, told senators that flame retardants illustrate several weaknesses in the Toxic Substances Control Act, a 1976 law that gives the government little power to assess or limit dangers from flame retardants and scores of other chemicals. The law allows chemical companies to put their products on the market without proving

they are safe and makes it almost impossible to ban chemicals after health effects are documented.

The Obama administration has called repeatedly for an overhaul of the law, but legislation sponsored by Democratic Sens. Frank Lautenberg of New Jersey and Dick Durbin of Illinois has been mired in anti-regulatory politics.

Jones said the EPA will use its limited authority under the existing law to

target several flame retardants, including one chemical mixture that the agency promoted as safe nearly a decade ago and is now widely sold under the brand name Firemaster 550.

The EPA also will adopt a new strategy by the end of the year focusing on a larger group of flame retardants that pose "the greatest potential concerns," Jones said in prepared remarks to the Senate Appropriations Subcommittee on Financial

Services and General Government, an influential spending panel chaired by Durbin.

"The American public has the right to expect that the chemicals manufactured, imported and used in this country are safe," Jones said. "The time to fix this badly outdated law is now."

Inez Tenenbaum, the safety commission's chairman, asked senators to back an amendment to the Flammable Fabrics Act that

would streamline the watchdog agency's authority to adopt new rules for upholstered furniture. In 2008, Congress granted the panel similar leeway to outlaw lead and other toxic substances in baby cribs and toys — hazards revealed by another Tribune investigation.

Federal regulators have been wrestling for years with the issue of how to fireproof furniture. The safety commission now

thinks the best solution is to require upholstery to resist smoldering cigarettes, which federal statistics show are by far the chief cause of furniture fires.

Andy Counts, chief executive of the American Home Furnishings Alliance, said voluntary standards adopted by the furniture industry ensure that most sofas and easy chairs sold today are covered with fabrics that comply with the commission's proposed standard without using flame retardants.

One problem, Tenenbaum said, is that federal law requires a lengthy process to adopt new consumer protection rules, making it difficult to respond quickly to emerging science about flame retardants.

Another factor is a flammability standard that California adopted in 1975 and that most furniture manufacturers follow for goods sold nationwide. In response to the Tribune investigation, Gov. Jerry Brown announced last month that his state will revamp that standard, a move that could make the federal safety commission's proposal unnecessary.

"If California addresses the issue, it could finally resolve this problem," Tenenbaum said in an interview after the hearing. "Don't wait for us, because our process is so onerous."

Last week 26 senators, including Durbin, Lautenberg and, for the first time, three Republicans, called for a congressional overhaul of the chemical safety law. But the group stopped short of bipartisan support for Lautenberg's proposed Safe Chemicals Act, which would give the EPA more authority to regulate chemicals and require manufacturers to prove their products are safe before putting them on the market.

"If this isn't a call to arms ... I don't know what is," Durbin said, citing the Tribune investigation.

The American Chemistry Council, the chief trade group for the chemical industry, says it supports the idea of a new law but opposes Lautenberg's bill. The group has rejected calls from Democratic senators to suggest changes.

Jones, of the EPA, said that if the proposed overhaul had been in place, the agency likely would not have allowed certain flame retardants to be sold. He singled out Firemaster 550, a flame retardant highlighted by the Tribune as a chemical that took independent scientists years to identify and raise concerns about.

The EPA in 2003 hailed the flame retardant as safe even though records show that scientists within the agency were skeptical. After peer-reviewed studies showed that the chemical has spread across the globe and routinely turns up in household dust ingested by children, the agency now plans to conduct a "high priority" review of potential hazards next year.

On Tuesday the agency said that initiative also would include other brominated flame retardants, a group of chemicals that some independent scientists have said should face tougher scrutiny because they tend to spread and build up in the food chain.

"Since brominated flame retardants are substitutes for each other, we are going to look at all of them," Jones said after the hearing, citing Firemaster 550 as an example of the EPA "missing an issue" with a chemical. "We don't want to shift the risk around among chemicals that might pose similar problems."

Chemtura, the Philadelphia-based company that makes Firemaster 550, says the flame retardant is safe and continues to cite the EPA's 2003 endorsement as proof. Last month the company said it would work with the EPA to "realize the ultimate benefits of Firemaster 550."

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Read the Tribune's series on deception about flame retardants.



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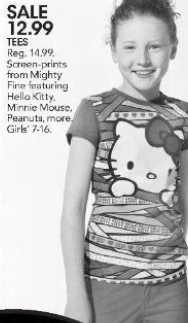
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