

States Reducing Exposure to Toxic Chemicals

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What is Safer States?

- Coalition of health-based coalitions (with doctors, nurses, EH advocates, unions, businesses)
- Active in Alaska, California, Connecticut, Florida, Massachusetts, Maryland, Maine, Michigan, Minnesota, North Carolina, New York, Oregon, Rhode Island, Vermont, Washington



The Current Landscape

- Toxic (and untested) chemicals are in everyday consumer products
- 4 Billion pounds of chemicals released by industry annually
- Rates of disease linked to toxic chemicals are on the rise



What's (Not) Being Done: Federal Law is Outdated

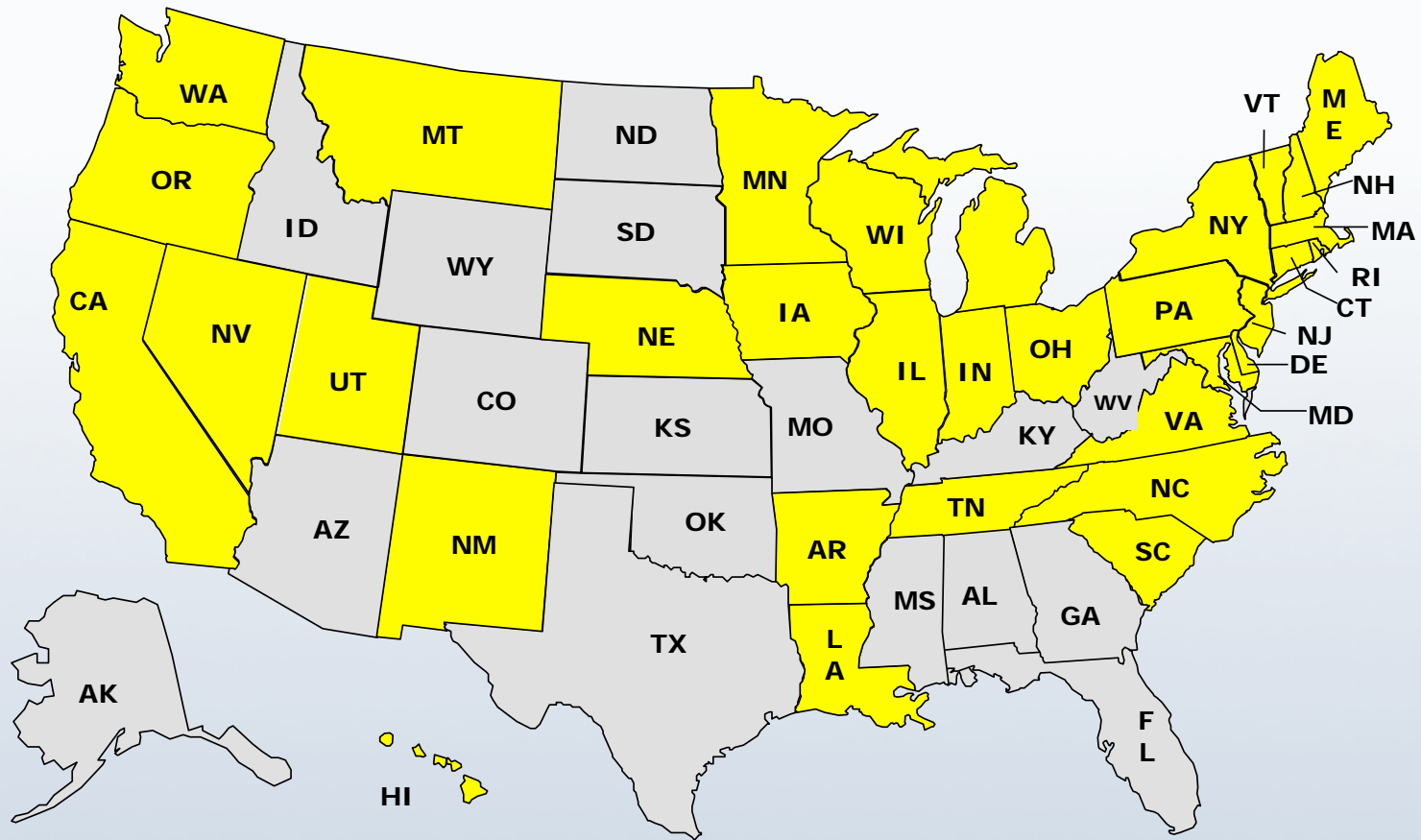
- Times (and chemicals) have changed since the Toxic Substances Control Act was enacted (1976)
- Only 5 chemicals regulated, thousands untested on market
- Federal action may not address the true scope of the problem



Possible Federal Reform

- Attempt to address problems with existing TSCA
 - Data gap: “Producers are not required to investigate and disclose sufficient information on chemicals' hazard traits to government, businesses that use chemicals, or the public.”
 - Safety gap: “Government lacks the legal tools it needs to efficiently identify, prioritize, and take action to mitigate the potential health and environmental effects of hazardous chemicals.”
 - Technology gap: “Industry and government have invested only marginally in green chemistry research, development, and education.”
- House and Senate (S697) versions – both flawed
 - Pace of review is slow, make it tough to intercept imports contaminated with toxic chemicals, both include forms of state preemption

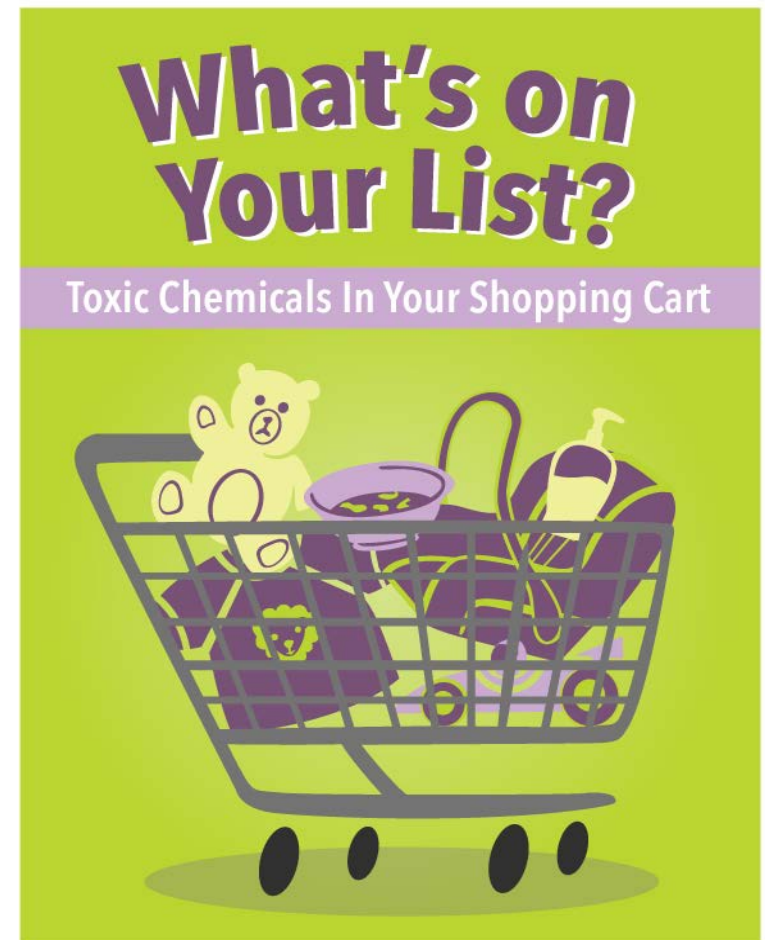
Toxics Policy Enacted 2003 – 2015



159 policies enacted in 33 states (AR, CA, CT, DE, HI, IA, IL, IN, LA, MA, MD, ME, MI, MN, MT, NC, NE, NH, NJ, NM, NV, NY, OH, OR, PA, RI, SC, TN, UT, VA, VT, WA, WI)

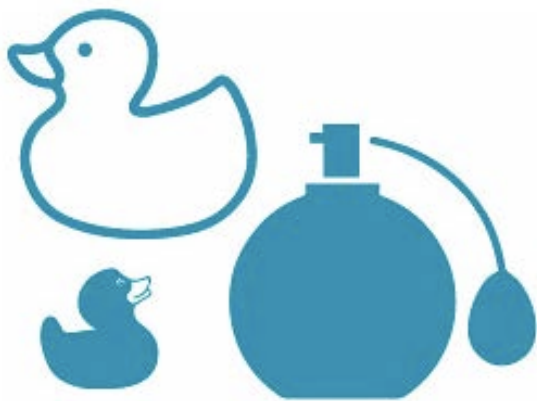
Disclosure: Shining a Light

- Policies require manufacturers to disclose what's in their products (ME, VT, WA)
- Allows for great media attention (“Arsenic in Underwear?!”)
- Manufacturers would rather remove than reveal (Walmart, Target)
- Echoes throughout supply chain

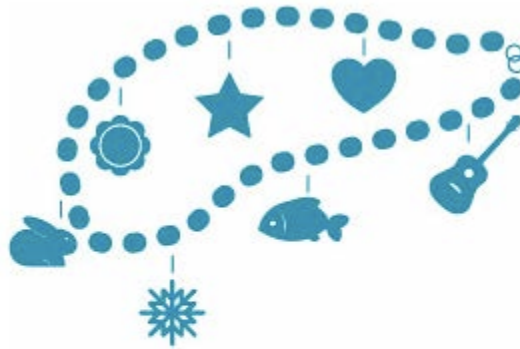


Single Chemical Bans

- Addressed a single threat: formaldehyde, lead, cadmium, phthalates, etc.
- Take advantage of familiarity



PHthalATES



CADMIUM



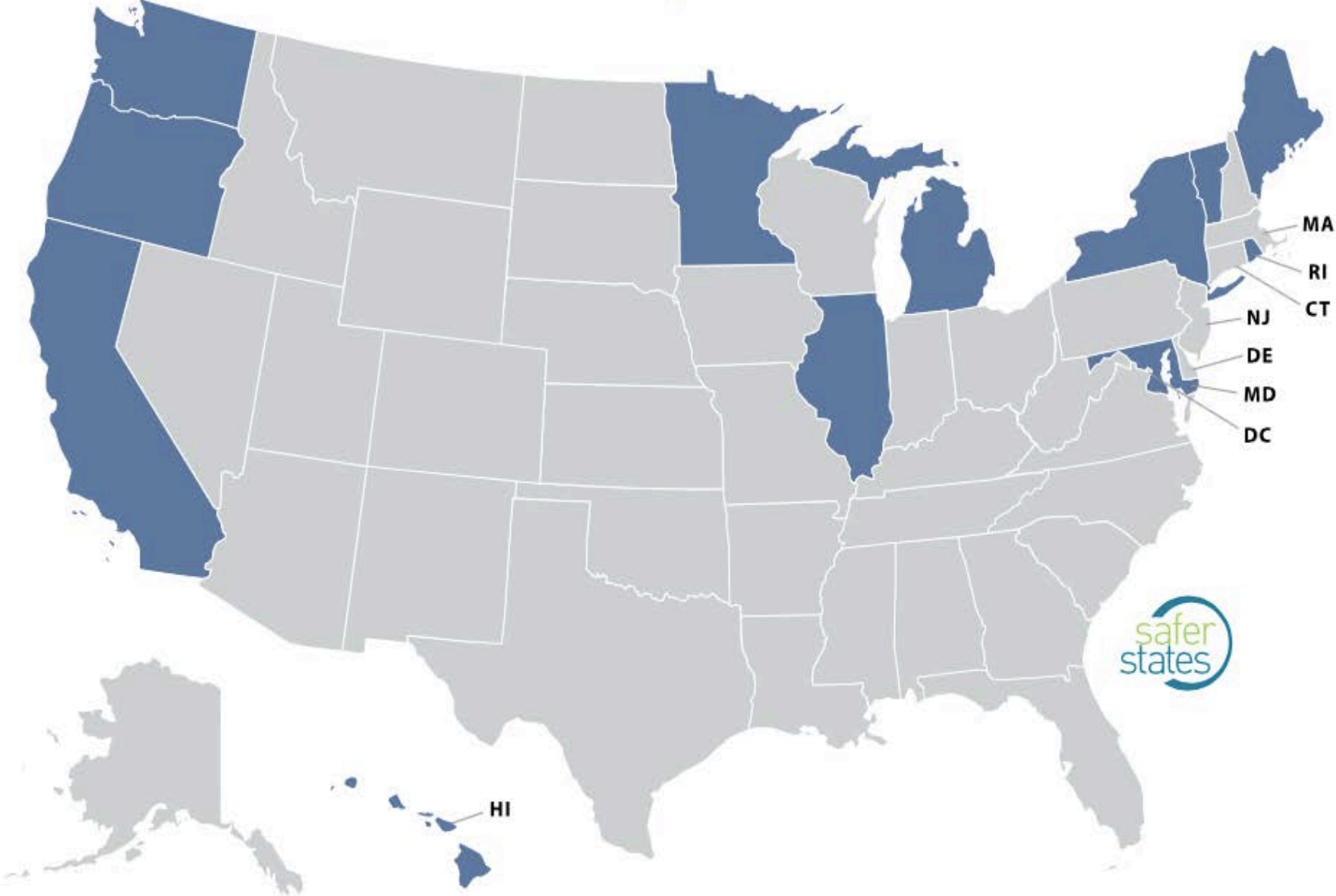
BISPHENOL-A

A closer look at flame retardants.....

- PBDEs were widely used in furniture and televisions.
- States banned and EPA reached an agreement with Great Lakes Chemical
- Continued pressure from the states on other toxic flame retardants – adding regrettable substitution
- Washington State requires disclosure of certain toxic FRs in children's products
- Change in California TB-117 created opportunity for fire-safe furniture to be made without the use of chemical flame retardants.
- CA adopts a law requiring flame retardant-free furniture to be labeled.
- Vermont requires disclosure of certain toxic FRs in children's products, and Minnesota bans additional flame retardants.

Toxic Flame Retardants

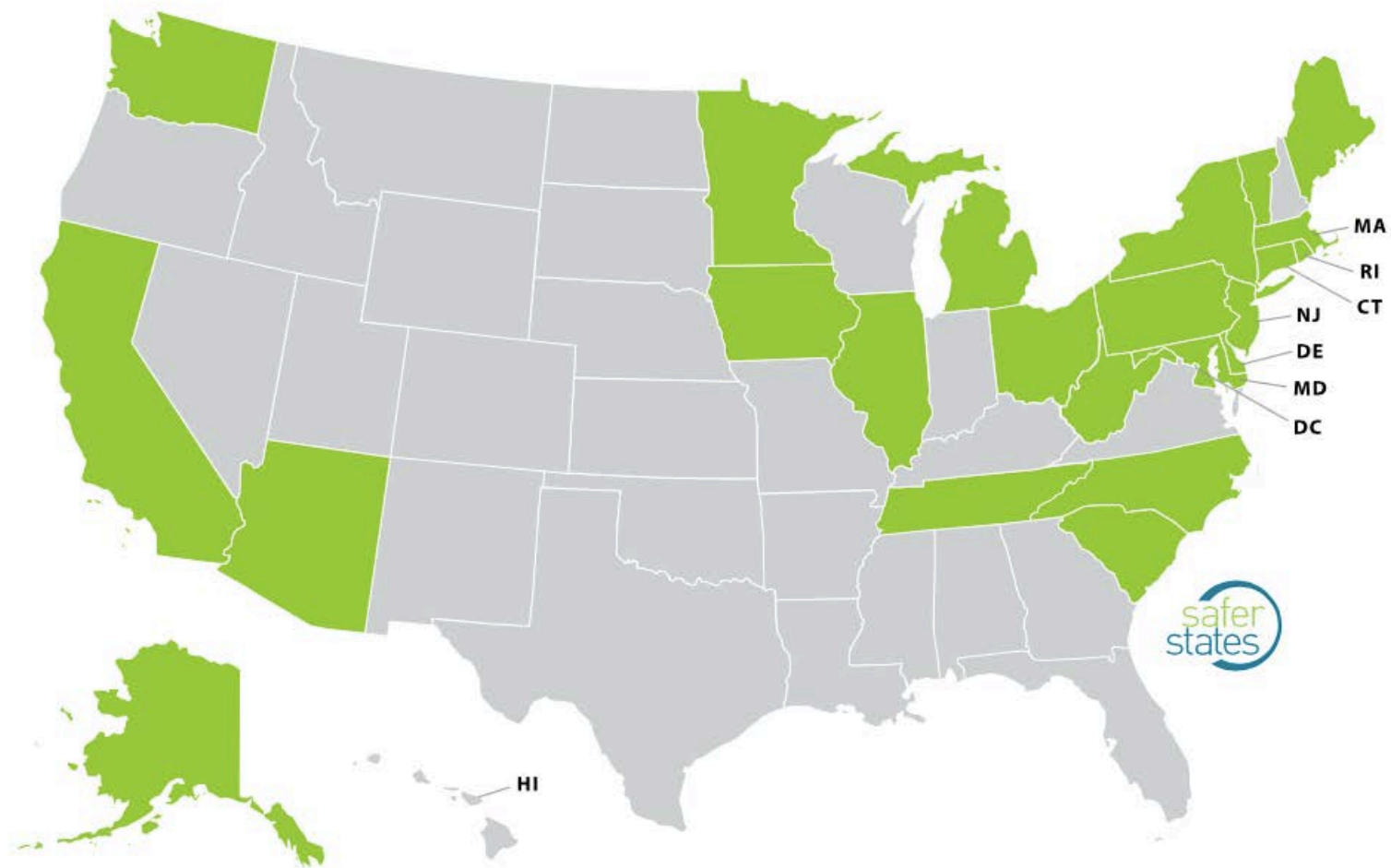
30 Adopted Policies in 12 States



The Market Responds

- Furniture makers/sellers (Ashley, Ikea, Crate & Barrel, Pottery Barn) announce moves to go flame retardant free.
- Healthcare systems (Kaiser Permanente) and major purchasers (Facebook) commit to flame-retardant-free furniture purchasing
- Major nap mat makers no longer using foam with toxic flame retardants.

At least 23 States Expected to Consider Legislation in 2016



Policy Likely to be Considered in 2016

- **Identification and Disclosure of Chemicals** (12) require makers of consumer products to disclose chemicals of concern
- **Toxic Flame Retardants** (14) phase out the use of and/or require labeling of toxic flame retardants in furniture and children's products.
- **Lead** (10) address lead in paint, kids' products, electronics and other products
- **Bisphenol A** (8) restrictions in kids' products, food packaging and other products
- **Cadmium** (6) restrictions in jewelry and kids' products
- Restrictions on **formaldehyde** (5) and **triclosan** (3)

Regardless of Federal Reform— States Have a Key Role

- Ongoing role for States
 - States can quickly react to emerging threats
 - States can create protections on chemicals EPA has not gotten to yet
 - States uniquely positioned to restrict chemicals in products unregulated by TSCA
 - States can require disclosure
 - State action speeds the pace of creating important restrictions

States are Stepping Up & You Can Join Us

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