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Toxic Chemical Legislation

The toxic chemical legislation from the federal government has been outpaced by the increase of new chemicals and (TSCA) provided the EPA with "authority to require reporting, record keeping and testing requirements, and restrictions relating to chemical substances and/or mixtures."

² The TSCA promotes safer practices in the "production, importation, use, and disposal of specific chemicals including polychlorinated biphenyls (PCBs), asbestos, radon and lead based paint."³

¹ Emily Monosson. "Regulation of Toxic Chemicals," *National Council for Science and the Environment*, accessed April 14, 2011. http://www.eoearth.org/article/Regulation_of_toxic_chemicals.

² "Summary of the Toxic Substances Control Act" *US Environmental Protection Agency*, accessed April 13, 2010. <http://www.epa.gov/lawsregs/laws/tsca.html>.

³ "Summary of the Toxic Substances Control Act" *US Environmental Protection Agency*.

More recent, is the Toxic Chemicals Safety Act of 2010, introduced July 22, 2010 by Congressmen Bobby Rush (D IL) and Henry Waxman (D CA)⁴ attempts to readdress the Toxic Substances Control Act of 1976 to strengthen consumer and environmental protections for chemical exposure. The 2010 Toxic Chemicals Safety Act proposed to update the TSCA failures to “regulate chemicals in consumer products – even those that have known links to cancer, learning disabilities, asthma, reproductive disorders, and other serious health problems.”⁵

The Toxic Chemicals Act of 2010:

- Creates a framework to verify that all chemicals the public is exposed to “will be reviewed for safety and restricted where necessary.”⁶
- Requires the chemical industry to provide data to the EPA to “improve EPA’s authority to compel testing where necessary.”⁷
- Establishes the opportunity for public information sharing to regulators, states, and chemical industry workers.
- “Creates incentives and a review process for safer alternatives to existing chemicals”⁸ and offers worker training and education programs.
- Promotes research to develop (worker) Tj3Tj5(safer)Tj/C2_3Tj/TT01Tf9.2250Td(compel)Tj/C2_01TfC03Tj

State Legislative Activity

Due to recent congressional inaction, states are taking power into their own hands in regard to toxic chemical regulation. In the last eight years, both the number of state chemical laws and the number of states passing toxic chemical reform has tripled.¹² Eighteen "state legislatures have already passed 71 chemical safety laws in the last 8 years..."¹³ A 2010 report by "SAFER States"¹⁴ and "Safer Chemicals, Healthier Families"¹⁵ concluded the pace of state policymaking on chemicals has more than tripled in the past 8 years. Thirty states in total have recently introduced chemical legislation. Connecticut, Illinois, Michigan, Minnesota, Massachusetts, Oregon, New York, Washington and Vermont have introduced comprehensive toxic chemical laws. South Dakota has also started to introduce legislation on the issue. Even without passing comprehensive laws other states have pushed for more toxic chemical regulation. At least 17 states will introduce policies to restrict BPA in chemical products. Eight states will ban cadmium in children's products and 3 will

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chemicals they add to products, and authorizes the state to require safer alternatives whenever they are available. It has been used as a model for action in many other states and in Washington, DC.¹⁸

Connecticut

According to Safer States, Connecticut has passed the most comprehensive BPA bill in the nation. The state legislature also approved a cadmium ban bill that will go into effect in 2014. Over the past couple years Connecticut has been trying to push a bill titled "Child Safe Products Act", which is modeled off of Maine's "Kids Safe Products Act." If the act passes in the legislature it will "phase out chemicals of high concern from children's products." The law will also give power to state agencies to regulate dangerous chemicals rather than wait on the legislature.¹⁹

California

The California EPA is considering new regulations to tighten standards on hexavalent chromium from 0.06 parts per billion (ppb) to 0.02 ppb in drinking water. Hexavalent chromium is a cancer causing chemical used in industry that is not separately screened or regulated from chromium, which occurs naturally in nature. The California regulation has emerged ahead of the EPA's plan to update its standard on chromium, but the EPA did not plan to change its standards on other highly toxic forms of the same chemical.²⁰

Conclusion

Major federal regulation on chemical toxins is not likely to be enacted any time soon. State legislative activity on the toxic chemicals issue has grown. Thirty states have introduced legislation and comprehensive reform.

Prepared by Aaron Haight, Camille Fordy, and Patrick Doyle in response to a request from Senator Lyons, under the supervision of graduate student Kate Fournier and Professor Anthony Gierzynski on April 20, 2011.

Contact: Professor Anthony Gierzynski, 513 Old Mill, The University of Vermont, Burlington, VT Kate

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Disclaimer: This report has been compiled by undergraduate students at the University of Vermont under the supervision of Professor Anthony Gierzynski. The material contained in the report does not reflect the official policy of the University of Vermont.