Chemical Policy: 2015 Policy Roundtable

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National Caucus of Environmental Legislators

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PREVENT HARM & ENVIRONMENTAL HEALTH STRATEGY CENTER
SAFER CHEMICALS, HEALTHY FAMILIES
SAFER STATES

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U.S. Chemical Production (1947 – 2007)

74 billion pounds of chemicals are produced or imported every day in the United States.

SOURCE: Federal Reserve G.17
Called for a federal chemical policy 50+ years ago:
“The choice, after all, is ours to make. If, having endured much, we have at last asserted our ‘right to know,’ and if knowing, we have concluded that we are being asked to take senseless and frightening risks, then we should no longer accept the counsel of those who tell us that we must fill our worlds with poisonous chemicals; we should look about and see what other course is open to us.” (pp. 277-78)
THE BOTTOM LINE

• Our chemical safety system is badly broken
• People are sick and dying from chemical exposures – disease, disability, early death
• The chemical industry, which has stalled federal chemical policy reform, wants to preempt the states and avoid regulation
• Leadership still falls on state policymakers, European regulators & market leaders
1976 TOXICS SUBSTANCES CONTROL ACT (TSCA)

The law that regulates industrial chemicals was passed 30 years ago and has never been updated.

It does not require health and safety studies for new chemicals. 63,000 chemicals were “grandfathered in” when TSCA was passed, presumed safe.
A Badly Broken Safety System

![Bar Chart]

- **Existing Chemicals**: 60,000
- **Chemicals Tested**: 200
- **Chemicals Restricted**: 5

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[Environmental Health Strategy Center]
# TSCA: 38 years of Failure

<table>
<thead>
<tr>
<th>Description</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing chemicals in commerce in 1979</td>
<td>62,000</td>
</tr>
<tr>
<td># of potential concern due to use &amp; design</td>
<td>26,000 (26%)</td>
</tr>
<tr>
<td># with risks reviewed</td>
<td>1,200 (2%)</td>
</tr>
<tr>
<td># with testing required</td>
<td>&lt; 200 (&lt;0.3%)</td>
</tr>
<tr>
<td># with bans or restrictions on use</td>
<td>5</td>
</tr>
</tbody>
</table>
EPA couldn’t even ban asbestos

Joe Darabant, Johns-Manville Plant in H Building
from Breath Taken: The Landscape & Biography of Asbestos
Bill Ravanesi 1990 & Center for Visual Arts in the Public Interest, Inc.

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20,000 New Chemicals Introduced

• After undergoing only a review by EPA that is time-limited and data-constrained

*Example*: Firemaster 550 replaced PentaBDE:

TBB now known to be:

• Persistent
• Bioaccumulative
• Toxic
# OCCUPATIONAL HEALTH IMPACTS

<table>
<thead>
<tr>
<th>Endpoint</th>
<th>Annual Incidence, Occupat. Disease</th>
<th>Attributable to Chemical Exposure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deaths</td>
<td>&gt; 60,000 (US)</td>
<td>6,566 (CA)</td>
</tr>
<tr>
<td>Asthma (EU)</td>
<td>80,000</td>
<td>40,000</td>
</tr>
<tr>
<td>Dermatitis (EU)</td>
<td></td>
<td>40,000</td>
</tr>
<tr>
<td>COPD (EU)</td>
<td></td>
<td>10,000</td>
</tr>
<tr>
<td>Cancer (EU)</td>
<td></td>
<td>4,300</td>
</tr>
</tbody>
</table>

Wilson et al. (2006) Green Chemistry in California, Cal Policy Research Center

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## ENVIRONMENTAL HEALTH IMPACTS

<table>
<thead>
<tr>
<th>Disease / Disorder in Children</th>
<th>Attributable to Chemical Exposure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asthma</td>
<td>10% to 35%</td>
</tr>
<tr>
<td>Cancer</td>
<td>2% to 10%</td>
</tr>
<tr>
<td>Neurobehavioral</td>
<td>5% to 20%</td>
</tr>
</tbody>
</table>


• Impaired fertility and reproductive harm


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Sen. Frank Lautenberg (1924 - 2013)

“Our children should not be used as guinea pigs. It’s time to update the law to protect them.”

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States as Laboratories for Reform

Healthy States

Protecting Families from Toxic Chemicals While Congress Lags Behind

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## The Quickening Pace of State Action on Toxic Chemicals

<table>
<thead>
<tr>
<th>Year</th>
<th># of State Laws Passed</th>
<th>Number of States Acting (cumulative)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>by Session</td>
<td>by Legislature</td>
</tr>
<tr>
<td>2003</td>
<td>2</td>
<td>7</td>
</tr>
<tr>
<td>2004</td>
<td>5</td>
<td>7</td>
</tr>
<tr>
<td>2005</td>
<td>6</td>
<td>8</td>
</tr>
<tr>
<td>2006</td>
<td>2</td>
<td>8</td>
</tr>
<tr>
<td>2007</td>
<td>10</td>
<td>25</td>
</tr>
<tr>
<td>2008</td>
<td>15</td>
<td>31</td>
</tr>
<tr>
<td>2009</td>
<td>15</td>
<td>31</td>
</tr>
<tr>
<td>2010</td>
<td>16</td>
<td>31</td>
</tr>
</tbody>
</table>

**In 8 years**

- 71 state laws passed
- In 18 states
States have made great strides

30 states are considering toxic chemicals legislation right now.

162 bills have been adopted by states to ban toxic chemicals from products.

120 bills to regulate toxic chemicals were introduced in 2014.
PBDEs

Trends in Chemicals in Breast Milk, Sweden

Source: NRDC

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BPA in baby bottles, sippy cups

AVOID

Receipt? No Thanks!

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Prenatal exposure to phthalates

- Interference with development of the male reproductive organs
- Decreased intellectual function, poorer social behavior, and increased impulsive behavior in children; feminized behavior in boys
- Sensitization of the immune system (associated with increased allergies and asthma)

Phthalate levels were measured in the mothers and the offspring tested later (sometimes years)
## Comprehensive State Chemical Laws

<table>
<thead>
<tr>
<th>Policy</th>
<th>CA</th>
<th>ME</th>
<th>WA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Products</td>
<td>consumer</td>
<td>consumer</td>
<td>children’s</td>
</tr>
<tr>
<td>List chems.</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>Report use</td>
<td>(YES)</td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>Assess alts.</td>
<td>YES</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>Prohibit sale</td>
<td>YES</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>Fees</td>
<td>NO</td>
<td>YES</td>
<td>NO</td>
</tr>
</tbody>
</table>

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Kid Safe Products Act (Maine)

- 1,385 Chemicals of Concern
- 49 Chemicals of High Concern
- 2 Priority Chemicals (BPA & NPEs)

Hasbro ended use of polycarbonate in toys to avoid reporting BPA
BPA phased out in baby food packaging due to alternatives assessment
Children’s Safe Products Act (WA)

- Lead, cadmium and phthalates banned
- 66 Chemicals of High Concern to Children
- Children’s product manufacturers must report use annually, phased in over 7 years

Learn more at www.watoxics.org/chemicalsrevealed

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Safer Consumer Products (CA)

All Chemicals (100,000+)

Candidate Chemicals (CCs) (~1,200)

Products with CCs (~230)

Priority Products and their COCs requiring:
- Alternatives Analyses
- Regulatory Response(s) for selected Alternative and/or Priority Product

Three Priority Products named that contain Chemicals of Concern (COCs)

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What’s Next for the States?

• Ban Flame Retardants - in foam furniture and children’s products
• Ban Phthalates in consumer products - follow E.U. phase-out in Feb. 2015
• List & Disclose Priority Chemicals
• Stop Preemption & Bad TSCA Reform
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