



# ENVIRONMENTAL HEALTH STRATEGY CENTER

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## **Board of Directors**

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9 April 2013

Jessa Barnard, JD

Honorable James Hamper  
Maine State Senate  
3 State House Station  
Augusta, Maine 04333

Ryan Bouldin, PhD

Gail Carlson, PhD

Re: Opposition to LD 365, An Act to Define “Contaminant” in the Laws Governing Toxic Chemicals in Children’s Products

Priscilla Carothers

Dear Senator Hamper,

Ken Geiser, PhD

We appreciate your continued interest in effective implementation of Maine’s Kid Safe Products Act. I enjoyed working with you in 2011 during which we reached consensus on changes to the statute that all parties could support.

Ginger Jordan-Hillier

Bettie Kettell, RN

Unfortunately, we cannot support LD 365 as proposed for the following reasons, which I will elaborate upon at the public hearing, with documentation.

Jeannie Mattson

1. For the last two years, the chemical industry coalition has argued unsuccessfully that by this same definition the chemical bisphenol A (BPA) should be considered a “contaminant,” and should thus be exempt from reporting and restrictions under Maine rules adopted pursuant to the Kid Safe Product’s Act;

Hon. Hannah Pingree

Sharon Rosen, PhD

2. After your 2011 bill LD 1129 was enacted, the very same industry-proposed definition was formally considered and rejected by Maine Department of Environmental Protection in rulemaking to amend Chapter 880 to implement the changes in statute that resulted from LD 1129; and

Michael Belliveau  
*Executive Director*

3. In testimony before the Maine Board of Environmental Protection in September 2012 on the proposed BPA rule, the chemical industry testified calling for the same definition of “contaminant,” while directly admitting that the intent of the definition is to exempt toxic chemicals such as BPA, vinyl chloride and styrene, which are all intentionally added to common plastics, from reporting and restrictions under Maine’s Kid Safe Products Act.

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Your proposed definition of “contaminant” will enshrine a major loophole in law, allowing industries to continue to expose children and pregnant women to



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toxic priority chemicals that are used to make plastics without worry of ever being regulated.

We would be willing to entertain alternative language that limits the definition of “contaminant” to true contaminants, such as chemicals that settle on a product from airborne dust or chemicals in the make-up tap water of formulated products.

Thank you for your consideration and your proven willingness to work hard to reach agreement among all parties on complex public policy issues.

Sincerely,

Michael Belliveau  
Executive Director