



March 11, 2011

To: The Honorable Kurt Olson, Chair
Members, Alaska House Labor and Commerce Committee

From: Tim Shestek, Senior Director
State Affairs

Re: **HB 63 – OPPOSE, AS DRAFTED**

The American Chemistry Council (ACC) must respectfully oppose as drafted HB 63, legislation that would, among other things, direct the Department of Health and Social Services to establish, and update every three years a list of “persistent bioaccumulative toxic chemicals (PBTs)” that occur or are used in products used by human beings.

ACC shares the objective of protecting human health and the environment from any significant risks associated with chemicals with PBT properties. PBT substances represent a very small percentage of chemicals in the United States. Many are either strictly regulated, are not currently in production, or are the by-products of human and natural activity. PBTs encompass a range of substances, including some metals and a variety of organic compounds.

DEFINITION OF PBT SHOULD BE CONSISTENT WITH RECOGNIZED STANDARDS

As currently drafted, Section 18.31.680 does not contain a clear set of definitions for the characteristics of P or B or T that is consistent with generally accepted PBT screening criteria. Though the bill does ask the Department to consider other sources of PBT information (e.g. Washington State PBT program, USEPA high production volume challenge program), ACC believes that the bill should establish a clear definition to help ensure a focus on priority substances.

ACC encourages you to consider the PBT screening criteria used by the United States Environmental Protection Agency (USEPA) as an example of specific criteria used to determine whether a chemical meets the generally recognized criteria for being a PBT. Information about the USEPA “PBT Profiler” can be found at: <http://www.pbtprofiler.net/criteria.asp>

FUTURE USE OF PBT LIST UNCLEAR

As drafted, the bill does not answer the question of why the PBT list is being created, nor does the bill provide any insight into the long-range plans for how the Department intends to utilize the list. HB 63 should include specific language that clearly describes the intent and future plans for creating and utilizing a state-specific PBT list.

In addition, ACC believes the bill should include language that directs the Department to provide a formal process by which stakeholders can participate and provide input into (1) the development and potential use of any PBT list and (2) any regulation or review by the Department of brominated flame retardants or potential alternative chemicals. Establishing a formal process – prior to implementing any regulatory action - will help ensure that the overall process is informed by the best available scientific information.

BEST AVAILABLE SCIENTIFIC INFORMATION

ACC believes that HB 63 could be significantly improved by adding a section that provides transparent and objective parameters for selecting the best available scientific information. One example of such parameters is the European Chemicals Agency's (ECHA)'s guidance document titled "Guidance on Information Requirements for Chemical Safety Assessment."



The ECHA's guidance provides four specific parameters for selecting the best available scientific information based on relevance, reliability, and adequacy. The fundamental importance of having screening parameters is embodied in a quote by the ECHA, which stated "[t]he knowledge of how a study was carried out and consequently its relevance and reliability, is a prerequisite for the subsequent evaluation [and use] of [the] information." Attached is the ECHA's guidance document for reference.

Thank you for the opportunity to share these comments. If you have any questions or comments, please do not hesitate to contact me at 916-448-2581 or via email at tim_shestek@americanchemistry.com

