April 3, 2019

The Honorable John Lincoln, Co-Chair
The Honorable Geran Tarr, Co-Chair
Alaska House Resources Committee
State Capitol
120 4th Street
Juneau, AK 99801-1182

RE: HB 27 – OPPOSE

Dear Co-Chairs Lincoln and Tarr:

The American Chemistry Council (ACC) must respectfully oppose HB 27 as drafted, legislation that would restrict a host of chemistries that could potentially be used as flame retardants in various consumer product applications.

Safety is a top priority for our member companies, and we believe consumers deserve to have confidence that the products they buy are safe for their intended uses. Our members invest significant resources in product and environmental stewardship and share a common commitment to advancing the safe and secure management of the products we produce and sell. Though this legislation may be well intentioned, we have the following concerns:

- A presumption that the presence of any type of flame retardant, regardless of its chemical composition, in a consumer product automatically means the product is somehow harmful;
- The scope of potentially impacted products is so broad that it could include any consumer product sold in the State of Alaska; and
- The bill does not recognize the importance of fire safety and the important role certain chemistries play in protecting consumers from fire.

The Importance of Science in Chemical Regulation --- Presence Does Not Equal Harm

The bill undercuts the integrated nature of hazard and exposure by presuming that the mere presence of a chemical indicates that when it is used or disposed it will likely result in a level of exposure sufficient to cause harm. Presence of a chemical in a product cannot be a surrogate for "exposure" without any notion of whether or to what extent there may be an actual exposure at a level sufficient to potentially cause harm.

The mere presence of a flame retardant chemical in a consumer product, regardless of type, amount, or the actual potential for exposure, does not automatically mean that the product is harmful to human health or the environment or that there is any violation of existing safety standards or laws. Risks associated with a chemical in a product depend upon the potency of the chemical and the magnitude, duration and frequency of exposure to the chemical.

HB 27 falls short of this scientific standard by presuming that these flame retardant chemistries cannot, under any circumstance, be safely used in consumer product applications.

Fire Safety Should Not Be Overlooked

As drafted, the definition of "consumer product" could be interpreted so broadly as to essentially include any product contained in one's home, including some products that could pose a potential fire hazard. The reality is that the

changing nature of our homes and consumer products has increased the fire risk of many products. Our homes and offices have more synthetic materials than they did 30 years ago. On their own, many of these synthetic materials can be quite fast burning. This has changed the nature of fire risk by increasing the potential flammability of products. It is worth noting that in in recent years there have been upwards of 7,000 product recalls of consumer products due to fire hazards. Unfortunately, HB 27 is silent on matters related to fire safety.

While we have made great gains over the years, fires are still a real threat to life and property, and they need to be considered in the evaluation of product safety. The National Fire Protection Association (NFPA) reports that fire fighters responded to nearly 1.35 million fires in 2015, which resulted in 3,280 civilian fire fatalities, 15,700 civilian fire injuries and an estimated $14.3 billion in property loss.

NFPA also reports that young children and people over 65 face the highest risk of fire death. Fires and burns are the third leading cause of unintentional death among children 14 and under.[1] According to the NFPA, children under five years old are 10% more likely to die in a home fire as the average person.[2] In 2015, adults age 65 or older represented 15 percent of the United States population but suffered 50 percent of all fire deaths.[3]

Older adults were more vulnerable in a fire than the general population due to a combination of factors including mental and physical frailties, greater use of medications, and elevated likelihood of living in a poverty situation.[4] Flame retardants are an important fire safety tool that help save lives, reduce fires and limit property damage.

USEPA Review of Chemicals in Commerce

While we appreciate the intent of this legislation, we urge the Alaska Legislature to consider on-going and recently announced efforts[5] underway at the US Environmental Protection Agency to review chemicals in commerce under the agency's expanded rulemaking authority.

On March 20, US EPA published "a list of 40 chemicals to begin the prioritization process – the initial step in a new process of reviewing chemicals currently in commerce under the amended Toxic Substances Control Act (TSCA)" including several flame retardants.

At a minimum, any decision regarding a state-based chemical regulatory policy should be informed by this rigorous scientific assessment process.

For these reasons, we urge you to oppose HB 27. Should you have any questions or comments, please do not hesitate to contact me at 916-448-2581 or tim_shestek@americanchemistry.com. Thank you for the opportunity to share these comments.

Sincerely,

Tim Shestek
Senior Director, State Affairs

cc: Members, House Resources Committee

[1] ESFI, Holiday Data and Statistics, available at http://www.esfi.org/resource/holiday-data-and-statistics-359#InjuryAndFatalityStatistics (accessed Jan. 4, 2016).
[2] NFPA. *Characteristics of Home Fire Victims*. March 2014. Available at https://www.nfpa.org/News-and-Research/Fire-statistics-and-reports/Fire-statistics/Demographics-and-victim-patterns/Characteristics-of-home-fire-victims (accessed Jan. 17, 2018).
[3] U.S. Fire Administration 2017. Fire safety outreach materials for older adults. Available at https://www.usfa.fema.gov/prevention/outreach/older_adults.html (accessed Jan. 17, 2018)
[4] U.S. Fire Administration National Fire Data Center. Fire Risk to Older Adults in 2010. Topical Fire Report Series Vol. 14, no. 9. August 2013. Available at https://www.usfa.fema.gov/downloads/pdf/statistics/v14i9.pdf (accessed Jan. 17, 2018).
[5] https://www.epa.gov/newsreleases/reaching-another-tsca-milestone-epa-identifies-40-chemicals-prioritize-risk-evaluation