SB 151

<TARGET><BILL>SB 151</BILL><SUBJECT>SB 151</SUBJECT><COMM>SHSS28</COMM></TARGET>

ALASKA STATE LEGISLATURE

SENATOR DONALD C. OLSON

SENATE DISTRICT T

Session
Alaska State Capitol, Rm. 508
Juneau, AK 99801
(907) 465-3707
Fax (907) 465-4821
Sen.Donny.Olson@akleg.gov

Interim
716 W. 4th Ave. Ste 530
Anchorage, AK 99501
Toll Free 800-597-3707
(907) 269-0254
Fax (907)269-2031

Date: February 11, 2014

To: Senator Bert Stedman
Chair, Senate Health and Social Services

From: Senator Donald Olson

I respectfully request a hearing for SB 151 – An Act relating to chemicals that are of high concern for children and to the manufacture and sale of products containing certain flame retardant chemicals; relating to an interstate chemicals clearinghouse; adding an unlawful act to the Alaska Unfair Trade Practices and Consumer Protection Act; and providing for an effective date.

My staff contact for this legislation is David Scott, who can be reached at 465-3877.

Thank you for your consideration of this request.

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 1/31/14

FURTHER: Judiciary

Date of 5-Day Notice: 2/13/14
(in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 2/21/14

Health and Social Services Committee considered SENATE BILL NO. 151

SB 151-HIGH-RISK CHEMICALS FOR CHILD EXPOSURE

"An Act relating to chemicals that are of high concern for children and to the manufacture and sale of products containing certain flame retardant chemicals; relating to an interstate chemicals clearinghouse; adding an unlawful act to the Alaska Unfair Trade Practices and Consumer Protection Act; and providing for an effective date."

and recommends:

[ ] be **replaced** with **CS** _____ (_____) *[ ] Same Title [ ] New Title*

[ ] adopt **previous CS** _____ (_____) *[ ] Same Title [ ] New Title*

[ ] attached amendment(s)

[ ] adopt _____ Letter of Intent

[ ] further referral to _____ Committee

Dept Abbr.	
ADM	LWF
CED	LAW
COR	LEG
CRT	MVA
EED	DNR
DEC	DPS
DFG	REV
GOV	DOT
DHS	UA

NEW FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #
DEC	✓			
DHS	✓			

PREVIOUS FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	Micciche	✓			
	Meyer			✓	
CHAIR:	Stedman			✓	

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: SB 151
Fiscal Note Number:
() Publish Date:

Identifier: SB151-DEC-SWM-01-31-14
Title: HIGH-RISK CHEMICALS FOR CHILD EXPOSURE
Sponsor: OLSON
Requester: Senate Health & Social Services Committee

Department: Department of Environmental Conservation
Appropriation: Environmental Health
Allocation: Solid Waste Management
OMB Component Number: 2344

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015 Appropriation Requested	Included in Governor's FY2015 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	**FY 2015**	**FY 2015**	**FY 2016**	**FY 2017**	**FY 2018**	**FY 2019**	**FY 2020**
Personal Services	172.8		207.4	207.4	207.4	207.4	207.4
Travel	10.0		10.0	10.0	10.0	10.0	10.0
Services	167.2		169.2	63.0	63.0	63.0	63.0
Commodities	20.0		5.0	5.0	5.0	5.0	5.0
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	**370.0**	**0.0**	**391.6**	**285.4**	**285.4**	**285.4**	**285.4**

Fund Source (Operating Only)

1004 Gen Fund	370.0		391.6	285.4	285.4	285.4	285.4
Total	**370.0**	**0.0**	**391.6**	**285.4**	**285.4**	**285.4**	**285.4**

Positions

Full-time	2.0		2.0	2.0	2.0	2.0	2.0
Part-time							
Temporary							

Change in Revenues							

Estimated SUPPLEMENTAL (FY2014) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2015) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? Yes
If yes, by what date are the regulations to be adopted, amended or repealed? 01/01/16

Why this fiscal note differs from previous version:

Not applicable, initial version.

Prepared By: Elaine Busse Floyd, Director — Phone: (907)269-7645
Division: Environmental Health — Date: 01/31/2014 02:00 PM
Approved By: Lynn Kent, Deputy Commissioner — Date: 02/14/14
Agency: Department of Environmental Conservation

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. SB 151

Analysis

Analysis/Assumptions:
This legislation would prohibit products containing certain flame retardants. It would require the Department to participate in the Interstate Chemicals Clearinghouse, publish a list of chemicals of high concern and update the list. Additionally, it requires significant outreach because we do not currently regulate products containing these chemicals.

Personal Services:
Two additional positions in the pesticides program within the Solid Waste Management component. The positions are budgeted for ten months for the first year to allow for classification and recruitment time, and for twelve months each year thereafter. Administrative support for this program will be provided by existing staff.
1) Environmental Program Specialist IV (Toxicologist) to evaluate the data, and develop and update the list of priority chemicals.
2) Environmental Program Specialist III to perform inspections of and provide technical assistance to local distributors and manufacturers.

Travel:
Conduct outreach, training, and inspections.

Services:
Membership in the Interstate Chemicals Clearinghouse will be required, as well as the creation of an in-house data management system to track chemicals, manufacturers, and distributors in the state. Database development costs are included in the first two years only. Assistance would be required by the Department of Law to review regulations or defend appeals.

Commodities:
New employee costs in the first year. Outreach materials for the second year and subsequent years thereafter.

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: SB 151
Fiscal Note Number:
() Publish Date:

Identifier: SB151-DHSS-EPI-02-17-14
Title: HIGH-RISK CHEMICALS FOR CHILD EXPOSURE
Sponsor: OLSON
Requester: Senate HSS Committee

Department: Department of Health and Social Services
Appropriation: Public Health
Allocation: Epidemiology
OMB Component Number: 296

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015 Appropriation Requested	Included in Governor's FY2015 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	**FY 2015**	**FY 2015**	**FY 2016**	**FY 2017**	**FY 2018**	**FY 2019**	**FY 2020**
Personal Services	34.0		34.0				
Travel							
Services	2.5		2.5				
Commodities	0.5		0.5				
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	**37.0**	**0.0**	**37.0**	**0.0**	**0.0**	**0.0**	**0.0**
Fund Source (Operating Only)							
1004 Gen Fund	37.0		37.0				
Total	**37.0**	**0.0**	**37.0**	**0.0**	**0.0**	**0.0**	**0.0**
Positions							
Full-time							
Part-time							
Temporary							
Change in Revenues							

Estimated SUPPLEMENTAL (FY2014) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2015) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Not applicable, initial version.

Prepared By: Kerre L. Shelton, Director Phone: (907)269-2042
Division: Public Health Date: 02/06/2014 12:00 PM
Approved By: Sarah Woods, Deputy Director, Finance & Management Services Date: 02/17/14
Agency: Health & Social Services

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. SB151

Analysis

This bill requires coordination between the Department of Environmental Conservation (DEC) and the Department of Health and Social Services (DHSS) to develop and publish by January 1, 2016, and periodically review thereafter, an inventory or list of chemicals of high concern in children's products that are manufactured, distributed, or sold in the state. This bill gives DEC authority to regulate the manufacture, distribution, or sale in the state of a children's product containing a chemical or substance, such as mercury, that has been identified as a "chemical of high concern" by the state.

This environmental health consultation will require a total appropriation of $37.0 GF. This will not require a new position, as the work will be performed by an existing Anchorage position that is only partially funded.
Cost detail: Personal services for 0.25 FTE of a Health Program Manager III with additional costs for office supplies, overhead, phones, and other contractual costs. No travel or equipment costs are expected.

It is anticipated this project will require 0.25 FTE of a Health Program Manager for the first two years to develop the initial list of chemicals of high concern and to identify priority chemicals. Subsequent periodic reviews of these lists would be covered with existing resources.

Toxic-Free Children's Act (SB 151):

Protecting Alaska's children from exposure to toxic chemicals

Alaska's Toxic-Free Children's Act (SB 151) joins other states' lead to protect children from exposures to toxic chemicals. Under current federal law, chemicals such as tris flame retardants are virtually unregulated for their safety. Other harmful flame retardants such as PCBs and PBDEs—which are found in dangerously high levels in Alaska and Arctic Indigenous peoples[1,2,3,4]—are banned or are in the process of being phased out. PCBs and PBDEs are being replaced with other cancer-causing chemicals such as tris. These flame retardant chemicals continue to be used in children's products despite the fact that they are highly toxic to children and do not provide proven fire safety benefits.[5]

1 The Toxic-Free Children's Act will list chemicals of high concern for children:

The legislation will require the Alaska Department of Environment Conservation and the Alaska Department of Health and Social Services to develop a list of priority chemicals that pose unnecessary risks to children's health. The list will lead to the phase out of these toxic chemicals in children's products.

2 The Act will phase out toxic tris flame retardants in children's products:

This legislation will end the use of toxic tris flame retardants in children's products sold in Alaska. Tris flame retardants include TDCPP (chlorinated Tris), TCEP, and TCPP.

Tris flame retardants have documented health risks

TDCPP and **TCEP** are on California's list of known cancer-causing chemicals.[6] Laboratory studies show that both chemicals are associated with increased incidences of tumors.[7,8] The National Research Council reports that exposure to TDCPP is linked with cancer in laboratory studies.[9] Documented health effects of TDCPP include reproductive harm (i.e. reduced semen quality) and hormone disruption (altered hormone levels),[10,11] and DNA mutations.[12] Laboratory studies also demonstrate that TDCPP is a potent neurotoxicant.[13,14] TDCPP was widely used in children's pajamas in the 1970s until it was eliminated from that use due to its adverse health effects. Studies in fish indicate that early life exposure to TDCPP results in abnormal development.[15] The European Union listed TCEP as a Substance of Very High Concern in 2010 due its reproductive toxicity and potential to impair fertility.[16] New York and Vermont have passed laws phasing out the use of TCDPP and TCEP in children's products.

Tris flame retardants have documented health risks (cont.)

TCPP has been used as a replacement flame retardant for chlorinated tris since the 1960s and is chemically similar to the other tris chemicals. There is very little research on TCPP and no research has shown its safety in children's products. Laboratory studies indicate that TCPP is a possible carcinogen, disrupts red blood cells, and irritates the skin.[17] TCPP is found widely in indoor dust and in the environment.

Alaska children's health is already vulnerable:

Alaska Birth Defects Registry

- Birth defects in Alaska are twice as high as in the United States as a whole
- Alaska Native infants have twice the risk of birth defects as white infants born in Alaska

Alaska's Department of Public Health recommends women:

- Avoid contact with known or suspected environmental teratogens – agents that can cause birth defects

"...even independent of differences in cigarette smoking, alcohol consumption and maternal age—which is a well-known risk factor for birth defects—Alaska Natives still have an increased risk ... that we don't really know how to explain."[18]

- Dr. Bradford Gessner, Maternal & Child Health Epidemiology Unit

The Toxic-Free Children's Act is good for business because it

- Provides important safety information to businesses and consumers.
- Helps Alaskan businesses meet the increasing consumer demand for safer products.
- Encourages innovation and the development of safer alternatives.
- Creates market pressure on the chemical industry to provide safe chemicals to product manufacturers and, in turn, safe products to retailers and consumers.

Alaska Professional Fire Fighters Association, Alaska Fire Chiefs Association, and the Alaska Nurses Association support the Alaska Toxic-Free Children's Act.

Please visit our website for references and for more information http://bit.ly/ToxicFreeChildren

Toxic-Free Children's Act (SB 151):

Protecting Alaska's children from exposure to toxic chemicals

References

[1] AMAP. AMAP Assessment 2009: Human Health in the Arctic. Arctic Monitoring and Assessment Programme (AMAP). Oslo, Norway: AMAP; 2009. www.amap.no

[2] Preamble of the Stockholm Convention on Persistent Organic Pollutants.

[3] Carpenter DO, DeCaprio AP, O'Hehir D, Akhtar F, Johnson G, Scrudato RJ, Apatiki L, Kava J, Gologergen J, Miller PK, Eckstein LH. 2005. Polychlorinated biphenyls in serum of the Siberian Yupik People from St. Lawrence Island, Alaska. Int J Circumpolar Health 64:322-335.

[4] Miller, PK et al. 2013. Community-based participatory research projects and policy engagement to protect environmental health on St. Lawrence Island, AK. International Journal of Circumpolar Health 72:967-977.

[5] DiGangi, J. et al. 2010. San Antonio Statement on Brominated and Chlorinated Flame Retardants. Environmental Health Perspectives 118(12):A516-518.

[6] State of California Office of Environmental Health Hazard Assessment Proposition 65 List: Accessed at: http://oehha.ca.gov/prop65/prop65_list/Newlist.html.

[7] Stapleton, HM., S. Klosterhaus, et al. (2009). "Detection of Organophosphate Flame Retardants in Furniture Foam and U.S. House Dust." Environmental Science & Technology 43(19): 7490-7495.

[8] Matthews, HB et al. 1993. Toxicity and carcinogenicity of chronic exposure to tris(2-chloroethyl)phosphate. Fundamental and Applied Toxicology 20:477-485.

[9] Betts, KS. 2013. Exposure to TDCPP appears to be widespread. Environmental Health Perspectives 121(5):A150.

[10] Meeker, JD and HM Stapleton. 2010. House dust concentrations of organophosphate flame retardants in relation to hormone levels and semen quality parameters. Environmental Health Perspectives 118(3):318-323.

[11] Stapleton, HM et al. 2011. Identification of flame retardants in polyurethane foam collected from baby products. Environmental Science and Technology 45:5323-5331.

[12] Gold, MD et al. 1978. Another flame retardant, tris-(1,3-dichloro-2-propyl)-phosphate and its expected metabolites are mutagens. Science 200(4343):785-787.

[13] Betts, KS. 2013. Exposure to TDCPP appears to be widespread. Environmental Health Perspectives 121(5):A150.

[14] Stapleton, HM et al. 2011. Identification of flame retardants in polyurethane foam collected from baby products. Environmental Science and Technology 45:5323-5331.

[15] McGee, SP et al. 2012. Early zebrafish embryogenesis is susceptible to developmental TDCPP exposure. Environmental Health Perspectives 120(11):1585-1591.

[16] European Chemicals Agency. 2009. Support document for identification of tris(2-chloroethyl)phosphate as substance of very high concern because of its CMR properties. http://echa.europa.eu/doc/candidate_list/svhv_supdoc_tris_phosphate_publication.pdf.

[17] Safe Kids Campaign Report of the Green Science Policy Institute 2011. Accessed at: http://www.greensciencepolicy.org/wp-content/uploads/2013/12/Safe-Kids-Campaign-Report.pdf.

[18] Schoellhorn, J. 2008. High prevalence of major congenital anomalies in Alaska, 1996-2002. State of Alaska Epidemiology Bulletin No. 16, July 14, 2008.

FLAME RETARDANTS: Toxic-Free Children's Act

- **Flame retardants** are chemicals added to foam (cushions in couches, chairs and nap mats); to plastics used in electronics; and to insulation.
- **Flame retardants are often harmful to health:** many are known to cause cancer, and damage to reproductive and nervous systems.
- **Flame retardants** start to break down into dust and fall out of older furniture and products collecting toxic chemicals in our household dust.
- **Tris, PBDEs, & Firemaster 550** are common flame retardants.
- **Dust with toxic flame retardant chemicals** is breathed in or swallowed by children and pets, building up in their bodies, wash hands frequently!
- **Ask stores & manufacturers to disclose flame retardants in products.**

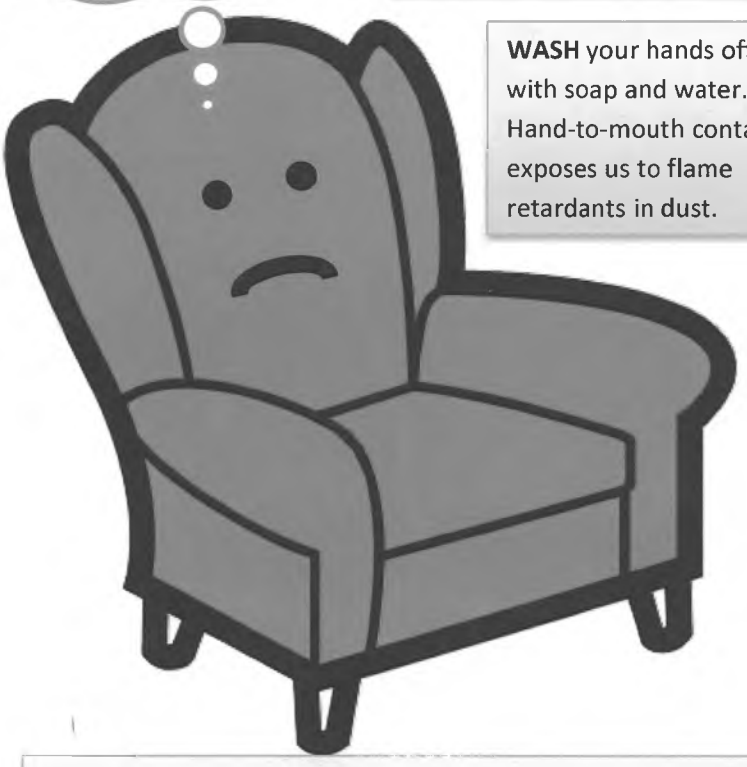
I want to be toxic-free

Reduce your exposure:
Wet Mop, Dust & Vacuum
Keep dust down by dusting with a damp cloth, wet mopping and vacuuming with a HEPA filter (High-Efficiency Particulate Air).

Choose baby and children's products with polyester-filled and cotton-covered pads and mattresses and polypropylene foam without added chemical flame retardants.

WASH your hands often with soap and water. Hand-to-mouth contact exposes us to flame retardants in dust.

Reduce your exposure to other toxics such as **PVC** waterproof materials and fabrics with antibacterial or stain treatments.



Polyurethane FOAM products may contain pounds of toxic flame retardants.
Foam treated with flame retardants is found in chairs, couches, carpet padding, foam rugs, baby changing pads, nap mats and crib mattresses. Responsible manufacturers are using design methods that eliminate the need for toxic flame retardant chemicals such as naturally fire-retardant materials and barrier technologies. Companies that make baby and children's products with materials such as polyester-filled and cotton-covered pads and mattresses and polypropylene foam without chemical flame retardants include: BabyLuxe Organic, Baby Björn, Boppy; and products with polypropylene foam such as Orbit Baby.

Chemicals in the crib

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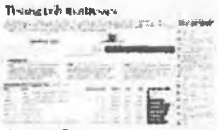
By Patricia Callahan and Michael Hawthorne, Chicago Tribune reporters
December 28, 2012

Three popular brands of baby mattresses that were marketed in recent months to families and day care centers contained toxic flame retardants linked to increased cancer risk, according to laboratory tests conducted for the Chicago Tribune.

One member of that family of chemicals, known collectively as chlorinated tris, was removed from children's pajamas over cancer concerns a generation ago.

Yet that same flame retardant turned up in significant amounts in 11 baby mattresses sold recently by national and local retailers under the Babies R Us, Foundations and Angeles brands. Two other mattresses made by Angeles contained a related form of tris.

RELATED



Results, Flame retardant testing

Read the series: Playing with fire

While furniture-makers often add flame retardants to the polyurethane foam cushioning in sofas and upholstered chairs, the test results on infant mattresses surprised and alarmed some scientists who have studied the chemicals. Babies and even toddlers can spend 12 or more hours a day in a crib, and foam mattresses can meet federal fire-safety rules without the use of chemicals.

Linda Birnbaum, director of the federal government's National Institute of Environmental Health Sciences, said regulators had assured her that chlorinated tris and other toxic flame retardants weren't used in mattresses.

"These are bad chemicals, and we've known they've been bad for a long time," said Birnbaum, a toxicologist. "If these chemicals are in your child's mattress, they are going to be constantly exposed."

In the late 1970s, University of California at Berkeley scientists found that TDCPP, a form of tris, could cause mutations in DNA, and its manufacturer removed it voluntarily from the market for children's pajamas. When researchers look for flame retardants in house dust, they still find TDCPP, which was never banned.

The Tribune tested 27 mattresses. All of the mattresses containing chlorinated tris had one thing in common: labels saying they were made in China or imported from China. None of the tested mattresses made domestically contained significant amounts of any form of chlorinated tris.

The response to the test results from manufacturers, importers and retailers varied.

Wayfair, the retailer that fulfilled the Tribune's Wal-Mart order through the retail giant's online marketplace program, halted sales of the Angeles crib mattress, which fits cribs that are

popular at child care centers.

One importer, however, vigorously defended its product.

Summer Infant Inc., the importer of the Babies R Us branded crib and bassinet mattresses that contained chlorinated tris, noted that the mattresses "are in a sealed impermeable plastic covering," which "ensures no exposure of the inner mattress foam to the child."

Responding to questions from the Tribune, the company wrote, "Simply put, the statements made are misleading and reckless in that they imply a health hazard that doesn't actually exist."

But Birnbaum and Heather Stapleton, a Duke University chemist who studies flame retardants, questioned whether any foam product can be sealed completely. They said chemicals escape when they vaporize and seep through seams or holes and get into air and dust.

And Inez Tenenbaum, chairman of the U.S. Consumer Product Safety Commission, stressed that she sees no need for flame retardants in children's mattresses, which can be protected with inherently flame-resistant wraps or barriers.

"I strongly encourage all mattress manufacturers to comply with our performance standard through the use of barrier technologies and to avoid using any potentially harmful chemicals to which children can be exposed," she said in a statement. "The law strictly prohibits children's products from having hazardous chemicals that children could be exposed to and could foreseeably cause substantial illness or injury."

The agency is awaiting approval from its federal safety commissioners for a broad study of children's exposure to flame retardants in consumer products. Responding to the Tribune, agency officials last week began purchasing the same models tested by the Tribune for their own studies to determine how much chlorinated tris could escape and be absorbed through a baby's skin, ingested or inhaled.

The findings from the testing commissioned by the Tribune echo those of a California environmental group. The Center for Environmental Health, in Oakland, hired a lab to conduct tests but did not release the precise results in announcing its findings earlier this month. Instead, that group is using a California labeling law and the threat of a lawsuit to prod companies to reformulate their products without tris.

Neither the Tribune nor the Center for Environmental Health knew that the other was testing baby mattresses.

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IN CASE YOU MISSED IT...


Most ridiculous car at the 2014 Chicago Auto Show...


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Children's Furniture Contains Harmful Flame Retardant Chemicals

Posted on November 20, 2013 by Heather

11/20/13 New Release: Playing on Poison

Children's Furniture Contains Harmful Flame Retardant Chemicals

Popular characters hide toxic chemicals in foam in kids' furniture -exposure may cause health problems for our children

November 20, 2013, Anchorage, Alaska – Independent testing found **flame retardants in foam furniture for children purchased in 13 states and in Canada, including Alaska. Fire safety scientists are concerned because flame retardant chemicals do not provide fire safety benefits in furniture, yet exposure to these chemicals has been linked to cancer, hormone disruption, infertility and other serious health problems.**

"A Spiderman chair that we purchased at a Walmart in Anchorage was tested and it has a harmful flame retardant called Firemaster 550 in it," says Maricarmen Cruz-Guillioty, Environmental Health and Justice Coordinator from Alaska Community Action on Toxics. "Arctic indigenous peoples already carry a high burden of many of the other toxic flame retardants in their bodies. Exposure to these chemicals is linked with thyroid disease, learning and developmental disorders, reproductive problems, and certain cancers. **Alaska also has the highest rates of birth defects in the nation. Our children should not be exposed to these chemicals. Kids are especially vulnerable to these chemicals.**" These persistent chemicals are carried via wind and ocean currents and concentrate in Arctic wildlife and people. People living in the north are also exposed through indoor air and dust and may have higher exposures because homes are closed in a for a greater part of the year.

Tiffany Immingan, a Saint Lawrence Island Yupik youth is concerned: "**I cannot believe stores such as Walmart are selling children products with chemicals that harm children's health.** People assume that when they buy products in the store, those products have been tested for safety. This study shows that this is not the case. I worry that the toys I buy for my two nephews might contain toxic chemicals. We already have too much cancer in Alaska and we should be doing everything we can to stop exposing children to cancer-causing chemicals like flame retardants. "

"Most parents would never suspect that their children could be exposed to toxic flame retardant chemicals when they sit on a Mickey Mouse couch, but our report shows that children's foam furniture can carry hidden health hazards," said Judy Levin, co-author of the report *Playing on Poison: Harmful Flame Retardants in Children's Furniture* released by the Center for Environmental Health (CEH).

Soon, California's new flammability rule, TB 117-2013 will go into effect. Companies may use the new standard to comply with the new rule immediately, but will have until January 1, 2015 before they are required to comply. ACAT and CEH hope many companies will switch to safer, flame-retardant free products quickly. Even the Business and Institutional Manufacturers Association (BIFMA) stated, "*...we believe the risks associated with the use of these [flame retardant] chemicals is greater than the hazard associated with the fire risk from furniture without fire retardants..*"

Dr. Stapleton of Duke University analyzed the samples finding four classes of flame retardants in 38 of the 42 products:

- **Firemaster 550 was found in 22 items including the chair purchased in Alaska. This mixture of four chemicals has been linked in studies to obesity and disruption of the bodies' natural hormone functioning.**
- TCPP – Tris was found in 5 items. Animal studies have linked exposure to TCPP to genetic damage and changes in the length of the menstrual cycle.
- TDCPP – Chlorinated Tris was found in 2 items. Studies have linked TDCPP exposures to cancer, genetic damage, effects on fertility and natural hormones, and damage to developing embryos. Health concerns forced companies to remove TDCPP from children's pajamas in the 1970's yet it is still widely used in other products.

Children are more vulnerable to toxic flame retardant chemicals than adults. Children put their hands in their mouths often, and touch whatever is near them. Young children crawl and play where dust containing high levels of flame retardants settles in homes, daycares and schools. A (2011) study from UC Berkeley's Center for Environmental Research found that children carry on average three times higher levels of flame retardants in their bodies than the levels found in their mothers. Other recent studies show that children of color and children from low-income communities have high levels of flame retardant chemicals in their bodies.

###

Available for Interviews

Recent Posts

- Toxic-Free Children's Act News Release 2/4/14
- Fire Safety without Harm
- 7,798 pounds of food shipped to St. Lawrence Island
- Thank you for taking action for clean air in Fairbanks
- Fairbanks Clean Air Action

Archives

Select Month

- **Maricarmen Cruz-Guilloty,** Environmental Health and Justice Coordinator, Alaska Community Action on Toxics (ACAT), office: 907-222-7714, maricarmen@akaction.org .
- **Pamela K. Miller*,** Executive Director, Alaska Community Action on Toxics, 907-222-7714, or 907-242-9991, pamela@akaction.org
- **Vi Waghiyi*,** Environmental Health and Justice Director, Alaska Community Action on Toxics, 907-222-7714 or 907-444-9194, vi@akaction.org

***Pamela and Vi can address how unregulated persistent, bioaccumulative and toxic chemicals drift North and disproportionately impact indigenous Arctic people.**

For media assistance: National Alliance for Toxic-Free Fire Safety **is a great media resource.**

- Stephenie Hendricks, 415-258 9151, stephdh@earthlink.net , www.toxicfreefiresafety.org
- Heather McCausland, 907-355-0446, heather@akaction.org , http://www.akaction.org/?p=2506

Report is available online at: *Playing on Poisons-Harmful Flame Retardants in Children's Furniture* **available at** http://www.ceh.org/wp-content/uploads/2013/11/Kids-Furniture-Report-Press.pdf

Alaska Community Action on Toxics **(ACAT) is a statewide non-profit public interest environmental health research and advocacy organization dedicated to protecting environmental health and achieving environmental justice. The mission of Alaska Community Action on Toxics is:** *to assure justice by advocating for environmental and community health. We believe that everyone has a right to clean air, clean water and toxic-free food.* **We work to stop the production, proliferation, and release of toxic chemicals that may harm human health or the environment. For more information, please call 907-222-7714 or visit** www.akaction.org.

Center for Environmental Health (CEH) **protects people from toxic chemicals by working with communities, consumers, workers, government, and the private sector to demand and support business practices that are safe for public health and the environment. CEH also works with major industries and leaders in green business to promote alternatives to toxic products and practices. In 2010, the** *San Francisco Business Times* **bestowed its annual "Green Champion" award to CEH for its work to improve health and the environment in the Bay Area and beyond.** www.ceh.org

Center for Environmental Health **published this report with support from Alaska Community Action on Toxics, Alliance for a Clean and Healthy Maine, Canadian Environmental Law Association, Clean and Healthy New York, Clean Water Action-Connecticut, Clean Water Action-Massachusetts, Ecojustice, Ecology Center, Healthy Legacy, Kentucky Environmental Foundation, Oregon Environmental Council, Vermont Public Interest Research Group, Washington Toxics Coalition and Women's Voices for the Earth.**

News Articles

11/19/13 San Francisco Chronicle: Warning on chemicals in children's furniture

‹ Playing on Poisons

Environmental Injustice in the Arctic ›

Posted in 2013 News, Federal Chemical Policy Work

505 West Northern Lights Blvd., Suite 205, Anchorage, Alaska 99503, 907-222-7714, info@akaction.org

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News from the Alaska State Legislature, the Office of Senator Olson
For Immediate Release: February 03, 2014

Senator Olson Introduces "Toxic-Free Children Act" to Protect Alaskans

Senate Bill 151 bans the sale of children's products with certain toxic flame retardants

JUNEAU- Senator Donny Olson, D-Golovin, has introduced Senate Bill 151, the "Toxic-Free Children Act". SB151 bans the sale of children's products containing toxic flame retardants known as "Tris."

"Children are Alaska's most precious resource. From the point of conception through the first years of development, they are especially vulnerable to the effects of exposure to toxic chemicals," said Senator Olson. "Alaskans know well the devastating impacts of fetal alcohol exposure and it is 100 percent preventable if a woman does not drink alcohol during pregnancy. Protecting developing children from exposure to toxic chemicals is not as simple."

Many furniture and baby product manufacturers integrate Tris flame retardants into their products because of flammability standards at state and federal levels. The products include nursing pillows, strollers, changing table pads, car seats, baby carriers and high chair pads. Overtime, Tris escapes from the foam and mixes with dust in homes. The dust lands on household surfaces, including toys and food, and some of it is ingested. Young children are the most likely to be exposed because of their tendency to put toys and their hands into their mouths.

"Exposure to these chemicals is associated with cancer, learning disabilities, and reproductive problems, all of which are alarmingly common in Alaska," said Maricarmen Cruz Guilloty, Environmental Health and Justice Coordinator for the Alaska Community Action on Toxics. "We must do whatever we can to protect vulnerable populations, especially children, from toxic chemicals. Legislation such as the Toxic-Free Children's Act is long overdue in Alaska."

In the 1970s, manufacturers added the flame retardant chemical TDCP, also known as "chlorinated tris," (one form of "Tris" flame retardants) to children's sleepwear. They stopped adding it in 1977 after the U.S. Consumer Product Safety Commission determined Tris to be a probable

human carcinogen. However, to this day, because the Commission did not specify any other products, manufacturers continue to add chemical variations of the toxic chemical 'Tris' to baby nursery items, strollers, and nursing pillows. Both New York and Vermont have passed laws banning Tris from children's products.

Senate Bill 151 bill gives the Department of Environmental Conservation (DEC) the authority to prohibit the use of 'Tris' and other toxic flame retardants and establishes a list of chemicals that are of special concern for children's health. It will also move Alaska a step forward towards protecting people from a variety of harmful chemicals by allowing the DEC to participate with other states in learning about and sharing information on chemicals of concern.

"Developing babies and infants are at particular risk as these accumulated toxics are transferred from mother to child in utero and through breast milk. Pre-natal exposure may have lifelong health impacts that are not manifested until decades later," said Senator Olson. "Alaska must join other states in stepping forward to protect citizens without delay in the face of federal inaction."

"We support the Toxic-Free Children's Act because we believe that people, especially children, should be protected from toxic chemicals. Fire fighters have a higher risk of cancer because of exposure to toxic chemicals such as flame retardants," said Jeff Tucker from the Alaska Fire Chiefs Association. "These harmful chemicals should not be used in common everyday products, much less in baby products. There are many ways to achieve fire safety without toxic chemicals, including the use of smoke alarms, sprinkler systems, fire building codes, and fire safety education."

SB151 now heads to the Senate Health and Social Services Committee for further consideration.

For more information, please contact David Scott in Senator Olson's office at 907-465-3707.

ALASKA FIRE CHIEF'S ASSOCIATION

2358 Bradway Road, North Pole, Alaska 99705
Phone: (907) 488-3400 FAX: (907) 488-6118

February 17, 2014

Senator Donny Olson
State Capitol Room 508
Juneau AK, 99801

Reference: SB 151/High-Risk Chemicals for Child Exposure

Dear Senator Olson,

On behalf of the Alaska Fire Chiefs Association I am writing to express our support for SB 151; Title: "An Act relating to chemicals that are of high concern for children and to the manufacture and sale of products containing certain flame retardant chemicals; relating to an interstate chemicals clearinghouse; adding an unlawful act to the Alaska Unfair Trade Practices and Consumer Protection Act; and providing for an effective date."

As its predecessors Polybrominated Fire Retardants (PBDEs), tris flame retardants have been proven to be toxic chemicals and hazardous not only to residents in homes, but to firefighters who may be called to fight fires. Firefighters have enough health exposures in our workplaces and tris flame retardants present an additional hazard for those of us in the fire safety profession. We need to know that we are safe so that we can take care of other people. Alaska can achieve fire safety without toxic chemicals.

The Alaska Fire Chiefs Association supports the passage of SB 151.

Sincerely,

Jeff Tucker, Fire Chief
2nd Vice-President, Alaska Fire Chiefs Association
Legislative Committee Chair
jtucker@northstarfire.org

Federal Statutes Regulating Chemicals

Abbreviation	Statute	Brief Summary
1. TSCA	Toxic Substances Control Act 15 U.S.C. §§ 2601 – 2695d	• Requires premanufacture notification for all new chemicals not on the TSCA Inventory; authorizes Environmental Protection Agency (EPA) to restrict new chemicals of concern • Authorizes EPA to require periodic reporting of information about chemicals, including manufacturing and use data and health and safety studies • Requires reporting of information that reasonably supports the conclusion of substantial risk • Authorizes EPA to require data submission (akin to premanufacture notice) before companies engage in "significant new uses" of chemicals • Authorizes EPA to issue test rules, and reporting rules for chemicals it finds may pose an unreasonable risk; chemicals may also be tested by industry through voluntary programs under TSCA • Authorizes EPA to require testing to meet good laboratory practice standards and validated protocols • Authorizes EPA to ban or restrict chemicals that pose an unreasonable risk to human health or the environment • Requires certification of TSCA compliance for all imported chemicals • Requires notification to EPA of export of chemicals that have been restricted in the United States • Supports EPA initiatives to prioritize and review chemicals and take regulatory actions to restrict chemicals where EPA deems necessary
2. FIFRA	Federal Insecticide, Fungicide, and Rodenticide Act 7 U.S.C. §§ 136 – 136y	• Requires all pesticide products and their active ingredients, including antimicrobials and certain kinds of preservatives, to be registered prior to sale • Registration requires data showing that the pesticide is effective and does not pose an unreasonable risk to man or the environment; burden of proof is on pesticide manufacturer

Abbreviation	Statute	Brief Summary
		• Authorizes EPA to require testing to meet good laboratory practice standards and validated protocols • Requires registration of producing establishments • Requires annual production reporting • Requires reporting of adverse effects information • Requires certification of FIFRA compliance for imported pesticides • Requires detailed package labeling • Requires notification of export of unregistered pesticides
3. FFDCA	Federal Food, Drug, and Cosmetic Act 21 U.S.C. §§ 301 – 399d	• Prohibits the sale of any food, drug, medical device, or cosmetic that is adulterated or misbranded • Requires premarket approval of food additives, color additives, new dietary ingredients, drugs, and medical devices, including their components, based on a showing that they are safe • Requires producers of food additives that are not "generally recognized as safe" to demonstrate to a reasonable certainty that no harm will result from the intended use of their additives • Broadly defines "food additive" to include small transfers from food packaging materials
4. FQPA	Food Quality Protection Act 110 Stat. 1489, amending FIFRA and FFDCA	• Requires EPA to set tolerances, or maximum safe residue limits, for pesticide residues on foods • Expands EPA authority over food contact substances, e.g. antimicrobials in or on food packaging • Includes special protections for infants and children • Requires EPA to expedite approval of reduced risk pesticides
5. CAA	Clean Air Act 42 U.S.C. §§ 7401 – 7671q	• Sets mandatory performance levels for reducing emissions of toxic air pollutants from various categories of industrial facilities • Requires plans for the prevention of emergency releases to air of highly toxic chemicals • Requires air pollution sources to meet emission limits and obtain permits from EPA or states • Requires reporting and recordkeeping under the permits • Requires phasing out of production and use of ozone-destroying chemicals and encourages the development of "ozone-friendly" substitutes

Abbreviation	Statute	Brief Summary
6. FWPCA / CWA	Federal Water Pollution Control Act (Clean Water Act) 33 U.S.C. §§ 1251 – 1387	• Controls chemical discharges of pollutants to waters through the National Pollutant Discharge Elimination System (NPDES) permit program • Imposes both technology-based standards and effluent guidelines • Operates pretreatment program for industrial facilities that discharge chemicals in waste water into municipal sewer systems
7. SDWA	Safe Drinking Water Act 42 U.S.C. §§ 300f – 300j-26	• Requires EPA to set national health-based standards for chemicals and other contaminants in drinking water • Requires public water systems to test for contaminants and meet drinking water standards; operators must be certified
8. RCRA/ SWDA	Resource Conservation and Recovery Act, amending the Solid Waste Disposal Act 42 U.S.C. §§ 6901 – 6992k	• Gives EPA "cradle-to-grave" authority to control hazardous waste • Requires hazardous waste identification and tracking • Establishes extensive permitting and operating requirements for hazardous waste generators, transporters, treatment facilities, storage facilities, and disposal facilities • Requires corrective action to clean up releases of hazardous wastes or hazardous waste constituents at RCRA-regulated sites • Provides framework for management of non-hazardous solid waste
9. CERCLA / Superfund	Comprehensive Environmental Responsibility, Compensation, and Liability Act 42 U.S.C. §§ 9601 – 9675	• Establishes processes and standards for clean-up of hazardous waste sites and removal and remediation of contaminants • Imposes strict liability for clean-up for potentially responsible parties, including prior owners/operators, entities that arranged for waste disposal, and others, thereby ensuring that care is taken against chemical releases going forward to avoid this liability • Establishes National Oil and Hazardous Substance Pollution Contingency Plan (NCP) • Created the Agency for Toxic Substances and Disease Registry (ATSDR) within CDC Public Health Service, and other offices
10. EPCRA	Emergency Planning and Community Right-to-Know Act 42 U.S.C. §§ 11004 – 11050	• Requires companies to submit detailed annual reports on releases and transfers of certain toxic chemicals (Toxic Release Inventory or TRI reporting); makes reported data publicly available • Requires every community in the United States to be part of a comprehensive emergency response plan; facilities must participate in the planning process

Abbreviation	Statute	Brief Summary
		• Requires companies to maintain material safety data sheets (MSDSs) for hazardous chemicals and to submit the MSDSs or lists of chemicals, and annual inventory of these chemicals, to state and local emergency planning entities and the local fire department (Tier I or Tier II reporting) • Requires immediate notification of accidental chemical releases to state and local emergency planning entities • Requires notification of the presence of high quantities of listed "extremely hazardous substances" to state and local entities
11. PPA / P2 Act	Pollution Prevention Act 42 U.S.C. §§ 13101 – 13109	• Requires companies to file an annual toxic chemical source reduction and recycling report along with TRI report • Requires EPA to consider the effects of its regulations on reduction of pollution production at the source and to coordinate with other agencies to promote source reduction • Creates a Source Reduction Clearinghouse to foster information exchange on source reduction techniques and technical assistance for businesses • Provides grants to states for source reduction programs
12. OSH Act	Occupational Safety and Health Act 29 U.S.C. §§ 651 – 678	• Establishes wide-ranging hazard communication program • Requires manufacturers and importers of hazardous materials to conduct hazard evaluations of the products they manufacture or import • Requires labels and material safety data sheets for hazardous materials at the workplace and accompanying initial shipments to new customers • Requires companies to provide personal protective equipment and training to protect against chemical and other workplace risks • Requires recordkeeping of workplace injuries and illnesses and reporting of serious incidents • Maintains Occupational Chemical Database with EPA • Established the National Institute of Occupational Safety and Health (NIOSH) which researches, inter alia, chemical safety
13. HMTA	Hazardous Materials Transportation Act 49 U.S.C. §§ 5101 – 5127	• Requires identification of potential hazards (including toxicity, flammability, corrosivity, etc.) of transported materials and

Abbreviation	Statute	Brief Summary
		products • Requires hazard communication (shipping papers, package marking and labeling, and vehicle placarding) for various classes of hazardous materials including listed materials, hazardous wastes, and marine pollutants • Specifies packaging safety requirements • Specifies operational and training requirements for transportation of chemicals and hazardous materials by various modes (air, water, road, rail, pipeline) • Administered by Department of Transportation's Pipeline and Hazardous Materials Safety Administration
14. CPSA / CPSIA	Consumer Product Safety Act, as amended by the Consumer Product Safety Improvement Act 15 U.S.C. §§ 2051 – 2089	• Establishes independent Consumer Product Safety Commission • Governs manufacturers (including importers), distributors, and retailers • Sets preference for consensus voluntary private sector standards (e.g. ANSI, ASTM) but authorizes CPSC to impose mandatory standards for product safety • Restricts lead paint and phthalates in children's products or child care articles • Requires labeling, tracking, third party testing and certification for children's products • Requires general conformity certification with each shipment • Requires reporting of product defects or non-compliance with mandatory standards • Enforced by retail, import, and internet surveillance
15. PPPA	Poison Packaging Prevention Act 15 U.S.C. §§ 1471 – 1477	• Requires CPSC to establish standards for special packaging of any household chemical, including fuels, cosmetics, and other substances customarily stored by households, in order to protect children from hazards • Makes alternative labeling option available where child-protective packaging would make the household substance unavailable to elderly or disabled persons
16. FHSA	Federal Hazardous Substances Act 15 U.S.C. §§ 1261 – 1278	• Requires container labeling for hazardous household products to help consumers safely store and use those products and to give

Abbreviation	Statute	Brief Summary
		information on first aid • Authorizes the CPSC to ban certain products that are so dangerous or the nature of the hazard is such that labeling is not adequate to protect consumers
17. FPLA	Fair Packaging and Labeling Act 15 U.S.C. §§ 1451 – 1461	• Requires each package of household consumer commodities to bear a label on which there is information necessary to prevent consumer deception • Administered by the Federal Trade Commission and FDA
18. CSA	Controlled Substances Act 21 U.S.C. §§ 801 – 971	• Restricts the manufacture, import, export, distribution, and use of chemicals which are narcotics or can be used to make narcotics • Administered by the Drug Enforcement Administration in the Department of Justice and by FDA
19. CFATS	Department of Homeland Security Appropriations Act 6 U.S.C. § 121 note	• Authorizes the Department of Homeland Security (DHS) to establish risk-based Chemical Facility Anti-Terrorism Standards for the security of chemical facilities • DHS assigns facilities to one of four risk tiers; different assessment and planning obligations are imposed for the different tiers
20. CWC	Chemical Weapons Convention Implementation Act 22 U.S.C. §§ 6701 – 6771	• Authorizes reporting of information about chemicals that may be used to make chemical weapons • Authorizes international inspection of facilities where chemicals that may be used to make chemical weapons are present • Administered by the Department of Commerce's Export Administration and by the Department of State

American Chemistry Council

February 18, 2014

To: The Honorable Bert Stedman, Chairman
Members, Alaska Senate Health and Social Services Committee

From: Tim Shestek
Senior Director, State Affairs

RE: SB 151 – OPPOSE

On behalf of the American Chemistry Council (ACC), thank you for the opportunity to provide the following comments relative to SB 151, legislation that would require the state of Alaska to create a list of "chemicals of high concern" as well as restrict the use of specified flame retardants in certain consumer products.

Safety is a top priority for our member companies and we believe that 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 chemical products and processes. Though this legislation may be well intentioned, we have the following concerns with the bill as drafted:

- A presumption that the presence of any identified chemical in a children's product means the product is somehow harmful;
- The underlying premise that children's products contain chemicals that pose a risk to the health of Alaska's children;
- The lack of clarity as to how the proposed list of chemicals would be used by the State of Alaska; and
- Passage of SB 151 would add to a patchwork of state-based chemical and product reporting and regulatory requirements, resulting in regulatory uncertainty for the business and retail community. Enhancements to the nation's chemical regulatory scheme can be more efficiently implemented on a uniform, national level.

<u>The Importance of Science in Chemical Regulation --- Presence Does Not Equal Harm</u>
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 exposure, or more specifically, exposure leading to 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 cause harm.

A consumer product that contains a "chemical of high concern" does not necessarily 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 are dependent upon the potency of the chemical and the magnitude, duration and frequency of exposure to the chemical.

As drafted, SB 151 would result in a list of chemicals present in certain products without any corresponding information for the public as to what the information means, or perhaps more importantly what it doesn't mean. Compiling a list of chemicals is not the same as conducting an evaluation of how those chemicals are used, in what amounts and whether

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their use poses an unreasonable risk. Furthermore, the bill is silent as to what the state intends to do with the list once it is created and provides no guidance as to how the information on the list would be communicated to the public. Regulators run the risk of generating unnecessary fear and hysteria, unsupported by scientific fact, when this type of information is communicated inaccurately.

EPA, the Centers for Disease Control (CDC) and some states make it clear that the mere presence of a chemical in a product or in our bodies is insufficient information to determine whether that chemical or product poses a risk. For example, Washington State's Department of Ecology clearly states on its website:

> **"The presence of a chemical in a children's product does not necessarily mean that the product is harmful to human health or that there is any violation of existing safety standards or laws."**
> *http://www.ecy.wa.gov/programs/swfa/cspa/search.html*

The CDC, as part of its national biomonitoring report further adds "The presence of an environmental chemical in people's blood or urine does not mean that it will cause effects or disease. The toxicity of a chemical is related to its dose or concentration, in addition to a person's individual susceptibility."
http://www.cdc.gov/exposurereport/pdf/FourthReport_ExecutiveSummary.pdf

Unsupported Assumption that Children's Products Contain Harmful Substances

ACC member company products are evaluated for performance and safety, in accordance with current government rules and regulations, as well as our own rigorous management system that is verified by third-party auditors, Responsible Care®. ACC companies have a responsibility to produce safe products. *http://responsiblecare.americanchemistry.com*

Often times, the Toxic Substances Control Act (TSCA) is incorrectly cited as an inadequate regulatory program to protect consumers. Bear in mind that more than a dozen federal laws (see attached chart) are in place to regulate the safety of chemicals in commerce, including the Consumer Product Safety Improvement Act (CPSIA) and the Federal Hazardous Substances Act (FHSA).

The FHSA gives the Consumer Product Safety Commission authority to ban by regulation a hazardous substance if it determines that the product is so hazardous that the cautionary labeling required by the act is inadequate to protect the public. Any toy or other article that is intended for use by children and that contains a hazardous substance is also banned under the FHSA if a child can gain access to the substance. In addition, the act gives the Commission authority to ban by regulation any toy, or other article intended for use by children which presents a mechanical, electrical or thermal hazard.

Bi-Partisan Effort to Enact Chemical Safety Improvement Act (CSIA)

Though we oppose SB 151, we certainly recognize the need to modernize the federal chemical regulatory system so that consumers and others can have greater confidence in the safety of consumer products.

To that end, ACC has joined nearly 100 business groups, national and state organized labor, environmental advocates and others in support of the Chemical Safety Improvement Act (CSIA). This bi-partisan bill, co-sponsored by 25 Democrats and Republicans, including both Senator Lisa Murkowski and Senator Mark Begich, would enhance public safety by making changes to improve the way chemicals are regulated. In summary, the CSIA would do the following:

- Require EPA to identify high priority chemicals for review and assessment, and determine whether those substances pose an unreasonable risk to human health or the environment under their intended conditions of use.
- EPA would initiate a prioritization screening process to identify chemicals as high or low priority for further assessment. Provides opportunity for state governments to make recommendations to EPA for substances to be prioritized.
- EPA would be required to conduct safety assessments of these chemicals based solely on considerations of risk to human health and the environment, by integrating information about the chemicals' hazard potential, its uses

and its potential exposures. Furthermore, EPA would have the ability to focus in on "sensitive subpopulations" such as children when doing these safety assessments.

- EPA would determine whether a chemical meets the safety standard under its intended conditions of use. At that point, EPA can conclude that a chemical meets the safety standard as currently managed, needs additional controls to meet the standard, or that it cannot meet the safety standard under its intended conditions of use even with additional controls. EPA's risk management options include bans and phase-outs.

Other key provisions of the CSIA include:

- Requires chemical manufacturers to conduct additional testing when it is warranted.
- Makes more information about chemicals available to the public.
- Requires EPA to use the best available science and modern scientific methods.

The CSIA provides the sort of predictable and workable regulatory environment that facilitates economic growth and enhances public safety. For the above listed reasons, ACC respectfully opposes SB 151.

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

ALASKA CHAMBER

February 18, 2014

The Honorable Bert Stedman
Alaska State Senate
Chairman, Health and Social Services
State Capitol, Room 30
Juneau, Alaska 99801

Re: Senate Bill 151

Dear Senator Stedman:

The mission of the Alaska State Chamber of Commerce (Alaska Chamber) is to promote a positive business environment in Alaska. The Alaska Chamber represents hundreds of businesses, manufacturers and local chambers from across Alaska. Our members support legislation that updates and clarifies laws, provides regulatory certainty, and that generally improves Alaska's business climate. The Alaska Chamber supports the passage of the national Chemical Safety Improvement Act (CSIA), but opposes Senate Bill 151 (SB 151).

The Alaska Chamber supports protecting public health and the environment through reasonable, carefully considered programs that are developed and implemented based on sound scientific arguments, credible, reproducible studies and economic analysis. We believe it is important that consumers in Alaska and across the country can feel confident in the use of chemicals in commerce. Given the interdependence of commerce throughout the United States, it is important that businesses have regulatory certainty across states for the sale of goods. Additionally, we believe it is *past* time for our nation's chemical laws to be updated. For all these reasons, the Alaska Chamber supports the national bipartisan CSIA.

The Alaska Chamber opposes SB 151 mainly because it employs the precautionary principle. The precautionary principle is well intentioned but needlessly threatens the availability of goods for Alaskans and the viability of Alaska businesses. The precautionary principle presumes that chemicals pose a risk to health and the environment, even without the presence of scientific evidence that such risks are in fact present or related to a specific activity, or product, and requires precautionary measures be adopted or implemented to mitigate those assumed risks.

471 W. 36th Ave., Suite 201, Anchorage, AK 99503 • (907) 278-2722 • alaskachamber.com

ALASKA CHAMBER

Another concern we have with SB 151 is how the proposed list of chemicals will be used by the State of Alaska, and in conjunction with federal laws. An uncertain regulatory environment does not allow businesses to plan and thus artificially stymies growth. Thank you for your consideration of our concern with SB 151.

Sincerely,

Rachael Petro
President/CEO

Cc: The Honorable Peter Micciche, Vice Chair, Health & Social Services Committee
The Honorable Kevin Meyer, Member, Health & Social Services Committee
The Honorable Pete Kelly, Member, Health & Social Services Committee
The Honorable Johnny Ellis, Member, Health & Social Services Committee

What's on Your List?

Toxic Chemicals In Your Shopping Cart

What's On Your List?
Toxic Chemicals in Your Shopping Cart

Sponsors

Washington Toxics Coalition

Washington Toxics Coalition uses ground-breaking research, top-notch advocacy, in-depth grassroots organizing and high quality consumer information to help create a healthier and just world by promoting safer products, chemicals, and practices, and a healthier future for the next generation.

Safer Chemicals, Healthy Families

Safer Chemicals, Healthy Families is a national campaign working to protect American families and the environment from toxic chemicals.

Safer States

At Safer States we believe families, communities, and the environment should be protected from the devastating impacts of our society's heavy use of chemicals. We believe that new state and national chemical policies will contribute to the formation of a cleaner, greener economy.

Authors

Nancy Uding
Research Specialist, Washington Toxics Coalition

Erika Schreder
Science Director, Washington Toxics Coalition

Illustrator

Amanda Frayer
Safer Chemicals, Healthy Families

Editorial Review

Lindsay Dahl, Laurie Valeriano, Sarah Doll, Randi Abrams-Caras, Jennifer Coleman

Report Design & Layout: Joshua Schramm

Also available online at *www.watoxics.org*

What's On Your List?

Toxic Chemicals In Your Shopping Cart

Executive Summary

Parents want and expect the products they use to care for their children to be safe and free of harmful chemicals. But our nation's toxic chemical laws are weak and ineffective and many harmful chemicals get into everyday consumer products without the public's knowledge. Taking steps to remedy this problem, Washington State passed the Children's Safe Products Act in 2008 (CSPA). CSPA set up requirements for makers of children's products being sold in Washington to report to the state if these products contain chemicals on a list of 66 Chemicals of High Concern to Children. Manufacturer reporting began phasing-in in 2012. This document summarizes the chemicals and products reported from March 5 to September 6 of 2013.

Overall there were 4,605 reports of Chemicals of High Concern to Children reported in children's products such as toys, clothing, baby safety products, and bedding during this time period. A total of 78 companies such as Walmart, Target, Safeway, Walgreens, Nike, and Toys "R" Us reported products containing harmful chemicals. A total of 49 chemicals such as formaldehyde, bisphenol A (BPA), parabens, phthalates, heavy metals, and industrial solvents were reported. The health effects of reported chemicals include carcinogenicity, endocrine disruption, and developmental or reproductive toxicity. This time period of reporting showed new companies reporting and showed new products being reported such as children's tableware containing formaldehyde and toy vehicles containing antimony trioxide flame retardant.

Washington's reporting law is achievable for the business community. More states should be passing these laws so families have chemical information about products being sold where they live. Retailers should remove products containing toxic chemicals from their store shelves. Ultimately, companies should phase these chemicals out of use and Congress should strengthen and update the federal Toxic Substances Control Act. Families can help bring about these changes by taking action.

What's on Your List?

Toxics in Your Shopping Cart

4,605 Reports of Toxic Chemicals in Children's Products

Phthalates in Children's Tops

- Endocrine disruptors
- Developmental or reproductive toxicants

Bisphenol A (BPA) in Dolls & Soft Toys

- Developmental or reproductive toxicant

Antimony Trioxide Flame Retardant in Toy Vehicles

- Carcinogen

TCEP Flame Retardant in Baby Car Seats

- Carcinogen
- Reproductive Toxicant

Formaldehyde in Children's Tableware

- Carcinogen

Parabens in Personal Care Products

- Endocrine disruptors

Washington State's Children's Safe Products Act of 2008 requires makers of children's products containing chemicals on a list of 66 Chemicals of High Concern to Children to report to the state when these products are sold in Washington. 4,605 reports of 49 chemicals by 78 companies were made to Washington State from March 5 to September 6 of 2013.

Safer Chemicals Healthy Families

WASHINGTON TOXICS COALITION

safer states

What's On Your List?

Toxic Chemicals In Your Shopping Cart

Car seats, tennis shoes, dolls, and sleeping bags. When you fill your shopping cart with items like these, you may be bringing home another list, too: carcinogens, endocrine disruptors, and developmental and reproductive toxicants.

Harmful chemicals are present in many of the products families use every day to care for their children. National laws that are supposed to protect us from these chemicals are outdated and ineffective, which means that unregulated and undisclosed toxic chemicals are in consumer products without the public's knowledge. Families are filling up shopping carts with the products they need to care for their children, but they may be bringing harmful chemicals home, too.

While the national law lags, the public is starting to get a window into some of the harmful chemicals present in children's products, thanks to Washington State's Children's Safe Products Act of 2008 (CSPA). Under CSPA, manufacturers of children's products are required to report to the state if their products contain chemicals on a list of 66 Chemicals of High Concern to Children. Washington State's CSPA is the most comprehensive chemical disclosure law in the U.S. today. See Appendix A for more information about CSPA.

What's On Your List? looks at information on harmful chemicals in children's products reported directly by manufacturers under Washington State's chemical disclosure law from March through the beginning of September of 2013 – the third round of reports during phase-in of reporting requirements. All health effects information given in *What's On Your List?* is based on information compiled by Washington's Department of Health (1) to create the reporting list of Chemicals of High Concern to Children.

Major Findings

1. Children's products may expose children to chemicals linked to harmful health effects.

Washington's 66 Chemicals of High Concern to Children were selected for reporting because scientific evidence links them to serious health effects and because children are likely to be exposed to them. The chemicals reported to Washington State over this six-month period include carcinogens, endocrine disruptors, and developmental and reproductive toxicants.

2. Toxic chemicals are widespread in children's products.

In this six-month period 78 manufacturers submitted 4,605 reports of 49 hazardous chemicals in children's products under Washington State's chemical reporting law. Products reported include children's tableware, toys, clothing and footwear, bedding, and baby products. This data is extensive and there is more to come.

3. Chemical disclosure provides important information and companies are able to provide it.

Chemical disclosure should spur policymakers and consumers to ask new questions about chemicals in everyday product and to identify priorities for action.

Phthalates in Children's Tops

- Endocrine disruptors
- Developmental or reproductive toxicants

Bisphenol A (BPA) in Dolls & Soft Toys

- Developmental or reproductive toxicant

Antimony Trioxide Flame Retardant in Toy Vehicles

- Carcinogen

TCEP Flame Retardant in Baby Car Seats

- Carcinogen
- Reproductive Toxicant

Formaldehyde in Children's Tableware

- Carcinogen

Parabens in Personal Care Products

- Endocrine disruptors

Major Health Effects of Chemicals of High Concern to Children

The three major health effects used by Washington to identify the reporting list of Chemicals of High Concern to Children are carcinogenicity, endocrine disruption, and reproductive and developmental toxicity.

Carcinogens

A carcinogen is a substance or exposure that is capable of causing cancer. Cancer has multiple causes, including exposure to carcinogenic chemicals or pollution (2).

Carcinogens reported in children's products through Washington's chemical disclosure system include:

- Formaldehyde
- Antimony trioxide
- Tris (2-chloroethyl)phosphate (TCEP)
- Decabromodiphenyl ether (deca or BDE-209)

Endocrine Disruptors

An endocrine disruptor is a chemical that can change the system of hormones (the endocrine system) in the body and disrupt how hormones are supposed to function. The endocrine system helps control and coordinates many of the body's functions such as reproduction, response to stress, and growth and development (3).

Endocrine disruptors reported in children's products through Washington's chemical disclosure system include:

- Phthalates
- Parabens
- 4-Nonylphenol
- Octamethylcyclotetrasiloxane (D4)

Developmental or Reproductive Toxicants

A developmental toxicant is a chemical that adversely affects the growth and development of a young child when a child is exposed prenatally. A reproductive toxicant is a chemical that interferes with reproductive ability or capacity.

Developmental or reproductive toxicants reported in children's products through Washington's chemical disclosure system include:

- Methyl ethyl ketone (MEK)
- Ethylene glycol
- Mercury
- Tetrabromobisphenol A (TBBPA)

Please see Appendix B for a list of all chemicals reported over this time period and the major health effects associated with them.

Might Want to Give Someone This Shirt Off Your Back

Phthalates in Children's Tops

Phthalates were reported in children's tops and upper wear. One or more reported phthalates may be present in a single top. The phthalates that were reported in tops are:

- Butyl benzyl phthalate (BBP)
- Di-n-octyl phthalate (DnOP)
- Dibutyl phthalate
- Diisodecyl phthalate
- Diethyl phthalate
- Diisononyl phthalate

Butyl benzyl phthalate and dibutyl phthalate must be reported under Washington's disclosure law because of scientific evidence that they are endocrine disruptors and developmental or reproductive toxicants. Di-n-octyl phthalate, Diisodecyl phthalate and diisononyl phthalate are developmental toxicants. Diethyl phthalate is an endocrine disruptor.

As surprising as it is to see phthalates reported in children's tops, it's even more surprising how many clothing products of all types are being reported under Washington's chemical reporting law. It's not just tops and upper wear, it's pants, shorts, skirts, dresses, nightclothes, jackets, socks, underwear, hats, etc., etc. Clothing items were the most often reported at 1,839 out of 4,605 total reports during this reporting period (see Figure 1). Many Chemicals of High Concern to Children in addition to phthalates were reported as being present in clothing, including endocrine disruptors, developmental or reproductive toxicants, and carcinogens.

Not So Cuddly

Bisphenol A (BPA) in Dolls & Soft Toys

Bisphenol A (BPA) in plastic in dolls and soft toys was reported. BPA must be reported under Washington's disclosure law because of scientific evidence that it a developmental and reproductive toxicant. BPA is used in polycarbonate as well as PVC plastic. BPA was also reported in surface coatings and other materials as a contaminant. Products reported as containing BPA also include jewelry, bath and pool water toys, outdoor games and play structures, and shoes.

BPA was phased out of baby bottles in Washington State in 2011 and out of sports water bottles in 2012. Action taken on BPA by a number of states including Washington spurred the Food and Drug Administration to ban BPA from baby bottles nationally. Here is an example of the makers of children's products going against the spirit of the national BPA ban in baby bottles by continuing to expose children to this chemical in other products.

Stamping Out Flame Retardant Fires

Even with public opinion swinging away from the use of ineffective yet toxic flame retardants in children's products and furniture, manufacturers not only are still using them, they are reporting some new and surprising uses.

Antimony Trioxide Flame Retardant in Toy Vehicles

Antimony was reported as a flame retardant in surface coatings on toy vehicles. Antimony compounds must be reported under Washington's chemical disclosure law because of scientific evidence that antimony trioxide is a carcinogen.

Antimony trioxide is used as a flame retardant in plastic. It can be used on its own or as a synergist with other flame retardants such as TBBPA or deca-BDE. Antimony was also reported to Washington State as a flame retardant in styling doll heads, changing mats, bath and pool water toys, false hair, and in clothing. Antimony used as a flame retardant was reported more often than in previous rounds of manufacturer reporting to Washington State.

TCEP Flame Retardant in Baby Car Seats

The chlorinated Tris flame retardant Tris (2-chloroethyl) phosphate, or TCEP, was reported in the textile of baby car seats and booster seats. TCEP must be reported under Washington's chemical disclosure law because of scientific evidence that it is carcinogenic and is a reproductive toxicant.

Deca Flame Retardant

Surprisingly, decabromodiphenyl ether (BDE-209, or deca) flame retardant was reported in the plastic of baby car and booster seats. It was also reported as a contaminant in some jewelry products. Washington passed legislation in 2007 banning deca for certain uses.

Following Washington's action, deca was voluntarily taken out of production nationally. Through Washington's chemical disclosure law, we can see that some manufacturers are willing to ignore the spirit of this voluntary ban and find sources overseas or to allow it to be present in children's products as a contaminant. Deca must be reported under Washington's chemical disclosure law because of scientific evidence that it is a carcinogen and a developmental toxicant. Without Washington's chemical disclosure law, we would not know about the continued presence of this very toxic chemical in children's products.

Tetrabromobisphenol A (TBBPA) Flame Retardant

Tetrabromobisphenol A (TBBPA) is reported as a flame retardant in plastic in toy vehicles, as a component of plastic jewelry and as an adhesive in jewelry craft materials. TBBPA was also reported as a pigment in surface coatings in toy vehicles. To our knowledge this is an unusual use of TBBPA. TBBPA must be reported under Washington's chemical disclosure law because of scientific evidence that it is a developmental and reproductive toxicant.

Serving Up Some Unsavory Ingredients

Formaldehyde in Children's Tableware

Formaldehyde was reported in children's plastic bowls, plates, and other tableware. Formaldehyde must be reported under Washington's chemical disclosure law because of scientific evidence that it is a carcinogen. But formaldehyde isn't the only unsavory ingredient being reported by manufacturers of children's tableware. Children's plastic plates, bowls, mugs and cups, drinking glasses and other tableware was reported as containing ethylbenzene, toluene, and phthalates as well as formaldehyde.

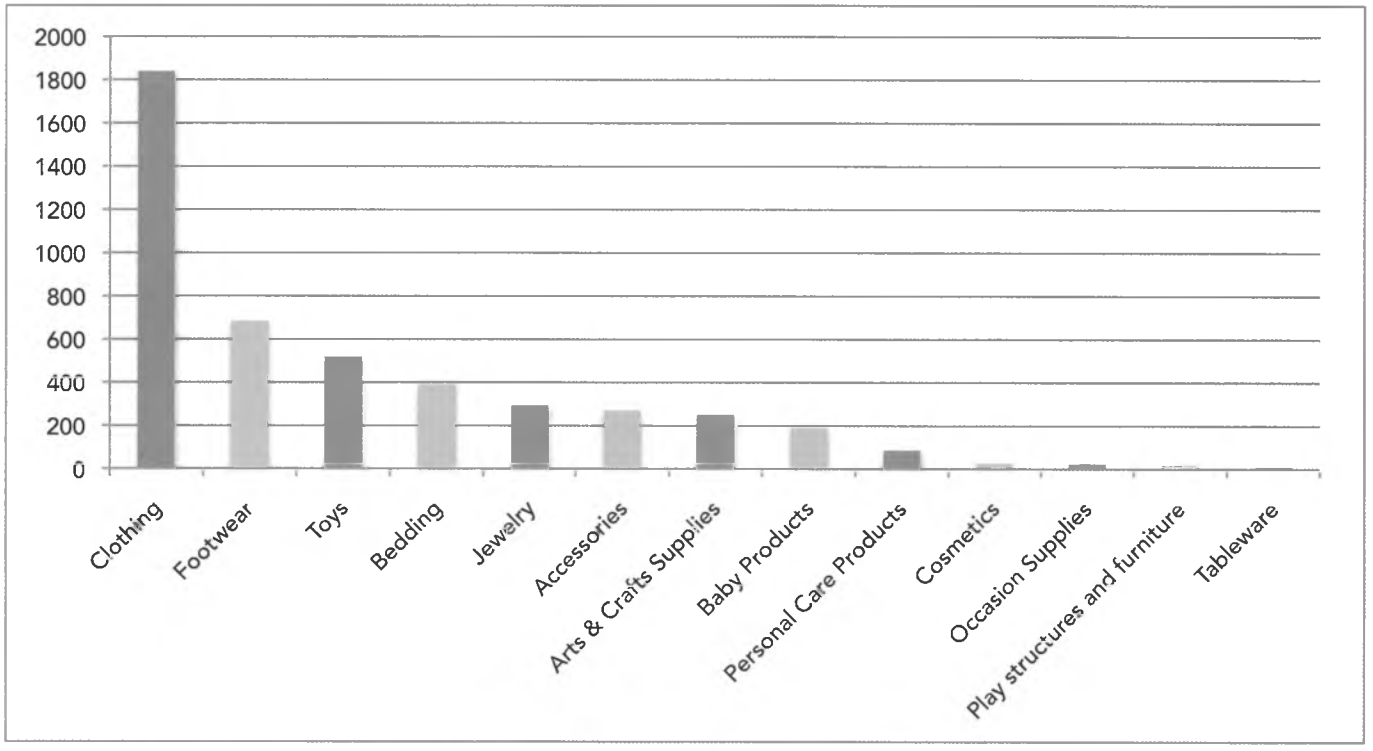
More Than Skin Deep

Parabens in Personal Care Products

Parabens were reported being used as preservatives in skin care/moisturizer products. One or more reported parabens may be present in the same product. The parabens reported in skin care and moisturizer products include butyl paraben, methyl paraben, propyl paraben and ethyl paraben. Parabens must be reported under Washington's chemical disclosure law because of scientific evidence that they are endocrine disruptors. Harmful chemicals present in skin care products are of special concern because of the exposure potential when these products are directly applied to the skin.

We expected to see parabens being reported in personal care products such as moisturizers and cosmetics. But it was surprising to see parabens also being reported as preservatives in clothing and toys.

Figure 1. Products Containing Chemicals of High Concern to Children
March 5, 2013 through September 6, 2013*

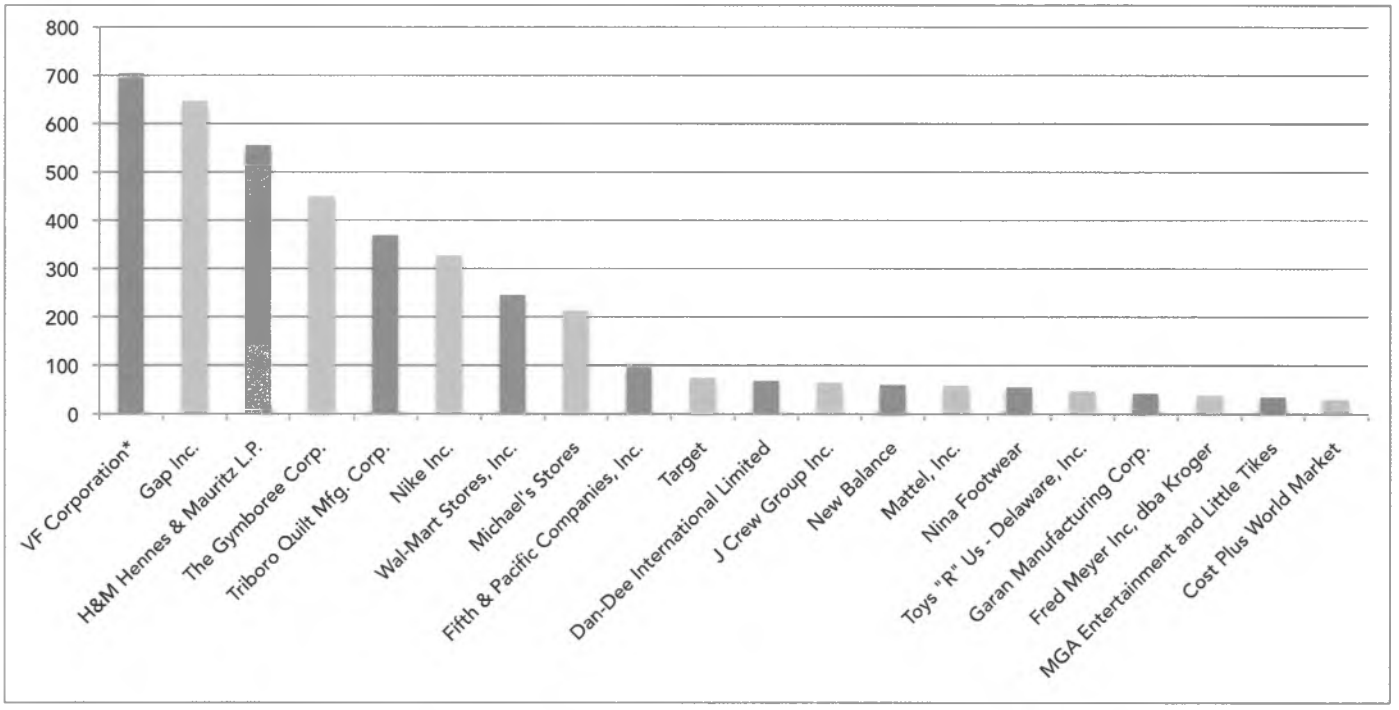


*Product categories are grouped for ease of understanding

What Products Are Reported the Most Often?

Figure 1 shows the breakdown of products reported over this time period. There were many specific product categories reported; these were grouped into larger product categories in this bar graph for ease of understanding. Clothing stands out as the product category reported much more often than any other; clothing items make up 40% of all reports. Footwear, toys, and bedding were the next several product groups reported most often.

Figure 2. The Top 20 Companies Reporting Products Containing Chemicals of High Concern to Children March 5 through September 6 of 2013



* VF Corporation includes brands such as Lee, JanSport, The North Face, Wrestler, Vans Off the Wall, etc.

What Companies are Reporting These Products?

Figure 2 shows the breakdown of the top 20 reporting companies over this time period. Washington's chemical reporting law is still phasing-in with only some medium-sized companies as well as larger companies being required to report. Smaller companies will be reporting in the future. So far we can see that companies of all sizes required to report make products containing hazardous chemicals.

So who are the bad guys here? Of course the largest companies reporting the largest number of products are potentially exposing the largest number of children to harmful chemicals. But at the same time, some of the largest reporters may be the companies that are trying to get control of toxic chemical use throughout their supply chain. They may just know more about their products at this time than other less proactive companies. Many of the highest reporters are also implementing toxic chemical reduction activities and have adopted chemical restriction lists. We say bravo to them for these actions! The bad guys? What's definite is that the bad guys include the harmful chemicals that children are exposed to every day due to their unregulated and undisclosed presence in common consumer products and the companies that defend the use of these chemicals.

Additional companies with 25 or fewer reports of Chemicals of High Concern to Children over this time period include Hasbro, Levi Strauss & Co., Hallmark Cards, Nordstrom, IKEA North America, J.C. Penney, Army and Air Force Exchange, Johnson & Johnson, LEGO, Claire's, Walgreens, Avon, and Radio Shack.

How Do I Protect My Family From Harmful Chemicals?

The widespread data makes it clear - there are too many toxic chemicals in too many of the products we use to take care of our families. So what is a shopper to do?

- **Take a deep breath and don't panic.** Then take some easy steps for making safer choices and you'll soon be on your way to reducing your family's exposure to toxic chemicals.

- **Learn more and practice healthy home habits.** Green cleaning recipes, product guides, label-reading advice; there are many great resources out there to help you reduce your use of and exposure to harmful chemicals. Here are a few resources to get you started:

  - Washington Toxics Coalition's Healthy Living resources at *http://watoxics.org/healthy-living*
  - Safer Chemicals, Healthy Families Tips to Keep Toxic Chemicals at Bay at *http://blog.saferchemicals.org/2011/02/top-tips-to-keep-toxic-chemicals-at-bay.html*
  - Women's Voices for the Earth website at *http://www.womensvoices.org*
  - Ecology Center's database of consumer products at *http://www.healthystuff.org*

- **Take action.** While the widespread problem of toxic chemicals is disturbing, there is good news. It is possible to pass laws restricting the worst toxic hazards. Parents, shoppers, and citizens have already made a big difference by demanding change – and change is coming. You can be a part of that change. Go to the Safer States website at *http://www.saferstates.com/states_in_the_lead/* to get involved in a campaign in your state, or to Safer Chemicals, Healthy Families at *http://www.saferchemicals.org* to get involved in efforts to pass a new federal law.

Recommendations

Washington's chemical reporting law, the Children's Safe Products Act of 2008, is giving us unprecedented information about harmful chemicals in children's products. Families are filling up their shopping carts with products that may be exposing their children to harmful chemicals. We must get toxic chemicals under control.

1. **Pass chemical disclosure laws in more states.** States should require companies to report when their products contain toxic chemicals. Washington State's system has clearly demonstrated that companies are capable of providing this important information and that states can manage the information and provide it to the public. Other states should follow suit, creating lists of priority chemicals of concern and requiring that companies disclose their use. Ultimately, states should require companies to phase out the use of toxic chemicals in products.

2. **States should take the lead in phasing out harmful chemicals.** Around our country states have shown leadership in restricting toxic chemicals including phthtalates, bisphenol A (BPA), heavy metals, and toxic flame retardants. States should adopt restrictions on harmful chemicals and ensure they are not replaced with others that are equally bad or worse. Chemicals that can cause cancer, learning disabilities or reproductive harm should be replaced with safer alternatives.

3. **Mind the Store.** Retailers should ensure that products on their shelves are free of toxic chemicals. The Mind the Store Campaign has asked major retailers to ensure that products they sell are free of the Hazardous Hundred, a list of 100+ chemicals that pose a threat to people and the environment. Major retailers and those that specialize in baby products should lead the way by making sure their products are free of these toxic chemicals.

4. **Broken federal laws must be fixed.** Congress should update the badly broken and outdated Toxic Substances Control Act with protections that eliminate the use of the most toxic chemicals, including those that cause cancer, reproductive harm or infertility, learning disabilities, or disrupt hormones. Congress must preserve the rights of states, which have been in the lead on creating protections from toxic chemicals, to take actions that go beyond federal law.

References

(1) Department of Health, State of Washington, Rationale for Reporting List of Chemicals of High Concern to Children, April 18, 2011.

(2) American Cancer Society, Known and Probable Human Carcinogens, retrieved December 13, 2013. *http://www.cancer.org/cancer/cancercauses/othercarcinogens/generalinformationaboutcarcinogens/known-and-probable-human-carcinogens*

(3) Mackar, R. 3-D images show flame retardants can mimic estrogens in The Environmental Factor, September 2013. National Institute of Environmental Health Sciences (NIEHS) *http://www.niehs.nih.gov/news/newsletter/2013/9/science-3d/index.htm*

(4) Department of Ecology, State of Washington, Process Used to Generate Reporting List, Executive Summary, retrieved December 16, 2013. *http://www.ecy.wa.gov/programs/swfa/rules/pdf/CSPAexsum.pdf*

Appendix A

Washington State's Children's Safe Products Act of 2008

In 2008, the Washington State Legislature passed the Children's Safe Products Act (CSPA). This law requires manufacturers to report the presence of 66 Chemicals of High Concern to Children in products designed for children. Reporting requirements began phasing-in in 2012, starting with the largest manufacturers and with the products having the highest exposure potential for children. CSPA is the most comprehensive chemical reporting law in the U.S. today.

After the very first release of manufacturers' reports in 2012, Washington Toxics Coalition tested children's fragrance products for phthalates and found some companies that should have reported their products but did not. This information was released to the public in the report *Something Smells: What Tween Perfume Makers Don't Tell You, But Should* in October, 2012. Manufacturer reports covering over 5,000 products were summarized in Washington Toxics Coalition's and Safer States' May 2013 report, *Chemicals Revealed: Over 5,000 Kids' Products Contain Toxic Chemicals. What's On Your List?* picks up where *Chemicals Revealed* left off, taking a look at data reported between March 5 and September 6 of 2013. These two reports can be found at *http://watoxics.org/publications/something-smells-what-tween-perfume-makers-should-tell-you-but-dont* and *http://watoxics.org/publications/chemicals-revealed.*

How the List of Chemicals of High Concern to Children Was Established

There are 66 chemicals that must be reported to the state under Washington's chemical disclosure law. When the Children's Safe Products Act passed, Washington State's Department of Ecology (Ecology) compiled a long list of chemicals designated by authoritative sources as having certain health effects and cross-checked them with information on how children could be exposed. Ecology decided to prioritize three key health effects: carcinogenicity, reproductive or developmental toxicity, and endocrine disruption. Washington's Department of Health assisted in reviewing the list and the information (4), and University of Washington scientists developed the final prioritization scheme.

Since there are thousands of chemicals that could potentially be of concern to children and scientific knowledge about these chemicals increases every day, there is also a process by which additional chemicals can be added to the list. As of this writing, one additional chemical – Tris (1,3-dichloro-2-propyl) phosphate (TDCPP), a flame retardant linked to cancer and hormone disruption – has been added.

The database of information reported by manufacturers can be seen through Washington's Department of Ecology website at *http://www.ecy.wa.gov/programs/swfa/cspa/search.html.*

Washington State Information Helps People Everywhere

Washington State's chemical disclosure law is the first of its kind in the U.S. It helps us all because:

- Many of the companies that are required to report chemicals to Washington State (such as Target and Walmart) distribute and sell their products nationwide.

- Much of the information Washington State now collects about toxic chemicals in children's products has never before been made public. This allows consumers and regulators to ask new questions about chemicals in consumer products.

- The information provides a clearer picture of both the kinds of chemicals used and the products those chemicals are used in (e.g. clothing, tableware) helping guide overall consumer purchasing decisions.

But there are companies that sell products only in certain states or regions, so it is very important for other states to pass their own chemical disclosure laws.

Thanks to the Children's Safe Products Act, pieces are falling into place forming a picture of the true extent of hazardous chemicals in products used every day to care for children.

Appendix B

Major Health Effects Of Chemicals Reported Under Washington's Children's Safe Products Act March 5 though September 6 of 2013

Chemical	Number of Times Reported	Carcinogen	Endocrine Disruptor	Developmental or Reproductive Toxicant
Cobalt & cobalt compounds	948	X		X
Ethylene glycol	856			X
Antimony & antimony compounds	442	X		
Methyl ethyl ketone	420			X
Octamethylcyclotetrasiloxane	356		X	
Styrene	303	X		X
Molybdenum & compounds	225			X
Diisononyl phthalate (DINP)	93			X
Di-2-ethylhexyl phthalate	83	X	X	X
Formaldehyde	77	X		
Dibutyl phthalate	75		X	X
Methyl paraben	56		X	
Toluene	52			X
Butyl benzyl phthalate	50		X	X
Propyl paraben	50		X	
Ethylbenzene	48	X		X
C.I. Solvent Yellow 14	46	X		X
Di-n-Octyl phthalate (DnOP)	45			X
Diethyl phthalate	42		X	
Diisodecyl phthalate (DIDP)	42			X
4-Nonylphenol	39		X	X
Arsenic & arsenic compounds	30	X		X
Cadmium & cadmium compounds	30	X		X
Butyl paraben	27		X	
Mercury & mercury compounds	22	X		X
Phthalic anhydride	18			X
Ethyl paraben	17		X	
Di-n-Hexyl phthalate	16			X

Continued on page 16...

...Continued from page 15

Chemical	Number of Times Reported	Carcinogen	Endocrine Disruptor	Developmental or Reproductive Toxicant
Phenol	15			X
2-Ethylhexanoic acid	13			X
Bisphenol A	13			X
n-Butanol	9			X
Tetrabromobisphenol A	8			X
Vinyl chloride	8	X		
Acrylonitrile	7	X		
2,2',3,3',4,4',5,5',6,6'-Decabromomodiphenyl ether (Deca, BDE-209)	4	X		X
Acetaldehyde	3	X		X
2-Ethyl-hexyl-4-methoxycinnamate	2		X	
2-Methoxyethanol	2			X
Ethylene glycol monoethyl ester	2			X
Methylene chloride	2	X		X
p-Hydroxybenzoic acid	2		X	
1,4-Dioxane	1	X		
4-tert-Octylphenol; 1,1,3,3-Tetramethyl-4-butylphenol	1		X	
Carbon disulfide	1			X
Estragole	1			X
Hexachlorobutadiene	1	X		X
n-Methylpyrrolidone	1			X
Tris (2-chlorethyl) phosphate	1	X		X

WASHINGTON TOXICS COALITION

Washington Toxics Coalition uses ground-breaking research, top-notch advocacy, in-depth grassroots organizing and high quality consumer information to help create a healthier and just world by promoting safer products, chemicals, and practices, and a healthier future for the next generation.
www.watoxics.org

Safer Chemicals Healthy Families

Safer Chemicals, Healthy Families is a national campaign working to protect American families and the environment from toxic chemicals.
www.saferchemicals.org

safer states

At Safer States we believe families, communities, and the environment should be protected from the devastating impacts of our society's heavy use of chemicals. We believe that new state and national chemical policies will contribute to the formation of a cleaner, greener economy.
www.saferstates.com

American Sustainable Business Council

1401 New York Ave., N.W., Suite 1225
Washington, D.C. 20005
202-595-9302
www.asbcouncil.org

Testimony in Support of
the Toxic Free Children's Act (SB 151)

February 19, 2014
Alaska Legislature
Health and Social Services Committee

Re: Support SB 151

The American Sustainable Business Council is pleased to submit this letter in support of the SB 151, the Toxic-Free Children's Act.

The Council is a growing network of business organizations and business including businesses in Alaska committed to advancing a new framework and policies that support a vibrant and sustainable economy. Today, the organizations that have joined this partnership represent over 200,000 businesses.

ASBC believes that keeping toxic chemicals out of everyday household products, particularly those made for infants and children, makes good business sense. With appropriate government policies, laws, and regulations, there is even more potential to boost the economy while protecting the environment and public health.

Too often there are voices taking positions about that they say are "good for business" when their positions are at the expense of what's good for people and what's good for the natural environment. We at the ASBC believe that that is a false choice. A growing number of businesses of all sizes are making choices that are good for people and good for the environment *because* it is good for their financial bottom line.

Let me tell you about one example. Barry Cik is the founder and CEO of Naturepedic, a mattress manufacturer. He says, "Making products with chemical laden highly flammable ingredients, and then adding even more chemicals in the form of 'flame retardants', only provides a false sense of security. These flame retardant chemicals are less, not more, safe. They provide almost meaningless protection, and instead only add to the toxic chemical burden." In describing his business, Barry says "Naturepedic creates its products with safer, less flammable components to begin with. For example, organic cotton is nowhere near as flammable as other common filling and cushioning materials."

"Years ago, the most prevalent attitude was that if a product was on the shelf, it was safe because if it wasn't safe, the government wouldn't allow it to be sold. Today, people are realizing that this simply is not the case." Clarity in the marketplace is exactly what we can create with good legislation, such as SB 151.

The businesses and business organizations we represent make the choices for various reasons:

1. Our *customers* want products that don't expose them and their children to toxic chemicals. When people know that a product contains toxic chemicals, they often switch to products that contain less toxic or non-toxic ingredients.
2. Government sets rules in the marketplace that help signal to businesses what the constraints and opportunities are. We businesses respond to those signals, another reason our businesses choose to do what is right by business *and* what is right by people's health and the environment. We are choosing to reduce the costs and risks, especially product liability associated with managing toxic chemicals in products across supply chains. We are also choosing to make, buy, and sell healthier, greener products.
3. Many of our businesses are Main Street businesses. We see our customers face to face. Our *business owners and entrepreneurs* want to look their customers in the eye when they say "thank you for purchasing that crib for your newborn" -- and know that they aren't also selling them risky chemical residues, emissions, and materials. We are *choosing* to "go beyond compliance" to do what is right by our businesses *and* what is right by people's health and the environment.
4. We want to do right by our employees and not expose them to toxins in the workplace, which will only result in lost work days and productivity at a financial cost to our businesses.
5. We realize we are part of a complex, interdependent economy, society and world. Our businesses know that everyone, including them, bears a portion of the cost of externalities (costs not borne by those who generate them) like poor health and environmental contamination. We want to reduce the drivers of those costs, economy-wide, so that the costs go down.

Our businesses that are making the choice to do what is right for them *and* right by human health and the environment are competing with businesses that are making choices that are in their narrow self-interest and too-little, if at all, factor health and environmental effects into their business decisions.

Business is creative and innovative. When we have good information and clear signals, we create and innovate products and product formulations that reflect the constraints and opportunities that the market and its rules present to us. We believe there is an important role for government to do more to provide clear signals and ensure that businesses and our customers have good information. We would like your help with the following:

- <u>Create a level playing field</u> for our businesses that choose to manufacture, distribute, and sell products to children that are free from unnecessary "flame retarding" and other toxic chemicals. We don't want to sell these toxic chemicals to children through products bought by their parents. We want rules that keep them from being put in products in the first place. This will help our businesses compete on level

ground with those businesses that are not choosing to factor human health and the environment as much as we do into their business decisions.

- We want disclosure requirements that let intermediate manufacturers, distributors, retailers, employees, and consumers know what is in the products we are handling and buying so we can have the information that we need to *choose* which products to buy, use and sell to our customers. We want to see improved transparency and communication throughout our supply chains.
- We want rules that contribute to the expansion of markets for safer and greener products. Government policy that limits and identifies hazardous chemicals, and requires disclosure to the public of their use in products enables product makers to favorably differentiate themselves in the marketplace.

Thank you again for the opportunity to be heard on these important business issues.

Sincerely,
David Levine
CEO and Co-founder
American Sustainable Business Council
dlevine@asbcouncil.org
(202) 595-9302 Ext. 101

Alaska Nurses Association
3701 E. Tudor Road, Suite 208
Anchorage, Alaska 99507
(907) 274-0827
www.aknurse.org

February 19, 2014

Thank you Senator Stedman, Vice Chair Senator Micciche, and Members of the Senate Health and Social Services Committee for the opportunity to provide testimony in support of SB 151, an Act relating to chemicals of high concern for children. My name is Susan Walsh and I have served the community of Ketchikan as a nurse for 36years. I've had the opportunity to assist in the delivery of hundreds of babies and teach childbirth education classes. I am also a recent past president and current board member of the Alaska Nurses Association.

As a health care provider, I wholeheartedly support SB 151 because it phases out a class of chemicals known as chlorinated tris (TDCPP, TCPP, and TCEP) that are known to be particularly harmful to developing children. We now have strong evidence that industrial chemicals that are widely distributed in the environment are significant contributors to a "global, silent pandemic of neurodevelopmental toxicity." A very recently published study informs us that: "The developing human brain is uniquely vulnerable to toxic chemical exposures, and major windows of developmental vulnerability occur in utero and during infancy and early childhood. During these sensitive life stages, chemicals can cause permanent brain injury at low levels of exposure that may have little or no adverse effect in an adult."

In 2012, the Alaska Nurses Association passed a resolution in support of a bill, SB 27, that would have phased out another class of flame retardant chemicals, PBDES, now among the chemicals identified as developmental neurotoxicants. Although PBDEs are still in use, some are now banned internationally through the Stockholm Convention on Persistent Pollutants and phased out in the United States. PBDEs are being replaced by the chlorinated tris chemicals that have many of the same properties and health effects. SB 151 would require the Departments of Environmental Conservation and Health to develop a list of chemicals of high concern for children and would thus prevent this type of unfortunate substitution of chemicals that are known to be persistent, toxic, carcinogenic, endocrine disruptors, reproductive or developmental toxicants. When there are a variety of safe and economic alternatives that make the use of these toxic flame retardant chemicals unnecessary, we should take that path.

Chlorinated tris chemicals are added as flame retardant chemicals to children's products, yet these chemicals do not confer proven fire safety and are highly hazardous. TDCPP, one of the tris chemicals, was phased out for use in children's sleepwear in the 1970s because it was found to be mutagenic. Both TDCPP and TCEP are known to be cancer-causing, yet still added to children's products including nursing pillows, crib mattresses, nap mats, sleep positioners, play tents and tunnels, car seats—these and other products are ones that children come in intimate contact with. The chemicals are not bonded to the plastic or foam and thus leach out into the indoor environment. Infants, toddlers, and

young children who are often in close contact with the floor and products in the home can be exposed through inhalation and also ingestion of contaminated dust from their hands, toys, and food. Another recent study demonstrated that TDCPP was the most frequently detected flame retardant chemical in a survey of 101 products intended for use by infants and young children. In addition to being carcinogenic, TDCPP is a potent neurotoxicant and mutagenic, and is associated with reproductive harm (damage to the hormone system that decreases thyroid function and fertility in men). TCEP is also carcinogenic and a reproductive toxicant. Although there is little research on TCPP, laboratory studies show that it is a possible cancer-causing chemical as well, and linked with genetic damage in human cells.

In October 2013, the Alaska Nurses Association passed a resolution calling for meaningful chemicals policy reform on the state level that reduces the use of toxic chemicals and requires that less harmful chemicals be substituted whenever possible and ensures adequate information on the health effect of chemicals is available to the public before these chemicals are introduced on the market. SB 151 is a critical bill for the protection of our children, fire fighters, and other vulnerable populations, and I urge your strong support for passage.
Thank you for your consideration.