



**Testimony in Opposition to
SB 274
An Act Concerning Chemicals of High Concern to Children
Committee on Public Health
Connecticut General Assembly
Hartford, CT
March 7, 2012**

Introduction

The American Chemistry Council (ACC), an association of leading companies engaged in the business of chemistry, is pleased to provide comments on SB 274, an Act Concerning Chemicals of High Concern to Children.

ACC member companies apply the science of chemistry to make the chemicals used by a wide variety of industries and businesses to make innovative products, technologies and services.

ACC members are committed to improved environmental, health and safety performance – for our workers, our families, our customers and the public. ACC shares this committee’s interest in promoting a healthy and safe environment for Connecticut’s children.

In my position in ACC’s Regulatory and Technical Affairs Department, I work on health, product safety and science policy issues that impact the business of chemistry, so I am very familiar with both what EPA is doing today to regulate chemicals and what is being discussed for future, additional regulation of chemicals. I would like to make two key points for this committee’s consideration as it reviews this legislation.

First, any legislation that aims to protect the public in general or children in particular from exposure to “chemicals of concern” must be based in science if it is going to provide any benefit to the public health of the children of Connecticut.

Second, EPA is currently undertaking several new programs and actions to regulate chemicals that are protective of the public health, including children’s health, and that are relevant to the Committee’s consideration of SB 274.

The Importance of Science in Chemical Regulation

The methodology by which a list of chemicals of concern to children would be developed under this bill relies on other lists of chemicals developed for a variety of different purposes, under a variety of different conditions. The legislation would suggest that a “chemicals of concern to children” list be drawn up



tells you that the States will benefit from this information because EPA will be well equipped to better manage chemicals in commerce than ever before.

A second new development at EPA in the chemicals arena that you need to be aware of is one that was just finalized on March 1. EPA has clear authority under the federal Toxic Substances Control Act (TSCA) to prioritize chemicals in commerce for evaluation and possible regulatory action. EPA has made more transparent the process by which it identifies priority chemicals for assessments, which help the Agency determine whether current risk management of the chemical is adequate or whether additional controls are needed. In August 2011, EPA released a discussion guide for "Identifying Priority Chemicals for Review and Assessment," in advance of a September 2011 stakeholder dialogue on prioritization. On March 1, EPA identified 83 chemicals for review and assessment based on its final prioritization approach. (See attachment and <http://www.epa.gov/oppt/existingchemicals/pubs/enhanchems.html>) Interestingly, its prioritization approach began with hazard, use and exposure based factors similar to what's being discussed in SB 274, (including use in children's products) but EPA went well beyond by scoring the chemicals against very quantitative hazard and exposure levels. In short, EPA took a science and risk based look at chemicals to establish its priorities for further review and assessment. EPA's approach helps assure a focus on real priorities, not perceived threats.

Also of note to my earlier discussion (about SB 274's skipping the safety assessment step), even after taking such a quantitative approach to identifying these priority chemicals, EPA makes clear in its methods document for identifying these chemicals, that "identification of a chemical as a TSCA Work Plan Chemical does not itself constitute a finding that the chemical presents a risk to human health or the environment. Rather, identification of a chemical as a TSCA Work Plan Chemical indicates only that the Agency intends to consider it for further review." In other words, EPA's experts are very aware that priority setting involves a screening level evaluation only and should not be used, without additional information, to impose regulatory action on a chemical.

The other take-away from both the CDR and EPA's existing chemicals strategy under TSCA is this: EPA is taking more aggressive steps today to strengthen the federal chemical management safety net. These will benefit not only public health, but children's health, across the U.S.. In other words, EPA is "on the case".

Conclusion

Thank you for the opportunity to speak today. I hope this information has been helpful to your understanding of the importance of using science as the foundation of any chemicals management program the State may contemplate and of what EPA is already doing today in the area of chemical regulation.

ACC urges this committee to consider this information and, in light of it, to ask itself whether the State really needs SB 274 in the first instance, and if so whether as crafted it will in fact produce public health benefit to the State.

