

**Testimony by Mark A. Mitchell, M.D., MPH
In Support of
SB 274 AAC Chemicals of High Concern
to Children**

-March 7, 2012

Good evening Representative Lyddy and remaining members of the Committee. My name is Mark Mitchell and I am a public health physician who focuses on environmental health and environmental justice. **I would like to address some of the misleading issues raised by industry representatives in today's testimony.**

I am the Founder and Senior Policy Advisor for Connecticut Coalition for Environmental Justice and have been working on chemical policy reform on the Federal level as part of the Safer Chemicals, Healthy Families Campaign, a coalition of over 300 organizations representing over 11 million people, and on behalf of the National Medical Association, representing over 40,000 African-American physicians and their patients. I will not talk about links between specific chemicals and disease, as I think the previous speakers did an excellent job with this.

Science Based, Public Health Impact

The representative from the American Chemistry Council has claimed that this bill will create a list of lists, is not science based and will have no public health impact. I was previously the Director of the Hartford Health Department. I became interested in environmental health because so many of the diseases that are increasing, especially those that contribute to health disparities in low-income people and people of color, are associated with environmental exposures, especially with exposure to poorly regulated toxic chemicals.

This bill requires the establishment of a "Green Ribbon Science Panel" to advise the Commissioner of Public Health, along with the Commissioner of Energy and Environmental Protection, in establishing and reviewing the list of chemicals of high concern to children. **The reason that the decisions on the chemicals of high concern to children is to be made by the Commissioner of Public Health with advice from the Science Panel (which is made up of scientists with specific bodies of knowledge) is precisely so that the recommendations made by the Commissioner be science based and have significant public health impact.** I would concede that this could be clarified in Section 2 (a) of the bill by stating that the commissioner shall include "a priority chemical that *the commissioner determines is toxic and* meets one or more..." of the exposure criteria (wording in italics is the suggested addition).

The representative of the Grocers Manufacturers Association, echoing concerns of many business owners who I have spoken with, stated that they want certainty and

predictability in regulatory processes. This bill, by listing specific chemicals that may be regulated in the future, provide that predictability that business demands. Rather than consumers and retailers reacting to the latest news article about toxics in children's products and suddenly changing their buying habits, this bill will provide a list of questionable chemicals that manufacturers can take the time to phase out of their products before the chemicals hit the new media as being toxic to children. **This bill will allow manufacturers to stay ahead of the science and be able to predict to some extent and have a competitive advantage in the emerging markets.**

The Federal Government is Moving to Regulate Chemicals

All of the industry representatives testified that the federal government is currently regulating and that Congress is moving to further regulate chemicals, so Connecticut should not duplicate their efforts. Given their 11% approval rates, it is heartening that the chemical industry trusts Congress to pass meaningful regulation of chemicals soon. However, I have spent more than ten days in face-to-face dialogue with the representatives of the American Chemistry Council (ACC) since last July in order to move toward agreement on meaningful reform of the Toxics Substances Control Act of 1976. The NGO's and chemical industry reps came amazingly close to agreement on details of how chemical policy reform could meet industry needs and protect public health. However, when the NGO's proposed that we try to reduce our agreements to language that would be inserted in the Safe Chemicals Act currently in the Senate, ACC refused to do so and broke off the dialogue. **This shows that industry is not serious about chemical policy reform on the federal level and that it is incumbent on Connecticut to continue to take actions to protect our residents from the effects of toxic chemicals.**

ACC and the Toy Industry Association representatives stated that the U.S. Environmental Protection Agency is moving to protect public health through new regulations with specific chemical action plans. EPA has indicated that they will try to assess 83 of the 84,000 chemicals registered with them as potentially used for consumer products. These assessments can take decades under current law, as evidenced by their 10-year unsuccessful effort to regulate asbestos and their recently completed 25-year effort to partially assess dioxins. **The federal system of health protections from chemicals clearly does not work and there is no reason to believe that it will be fixed any time soon. Connecticut must continue to take leadership in protecting our children.**

Affects on Connecticut Jobs

The Toy Industry Association says that the bill will drive jobs from Connecticut and be very costly. This is not true. **The bill will allow regulation of the safety of children's products SOLD in the state, not those MANUFACTURED in state.** If Connecticut companies want to put toxic chemicals in their products, as the Toy Industry Association is advocating, that will be perfectly allowable under the proposed bill. They just won't be able to sell them in Connecticut or Europe or other countries and states that have health protective standards for children's products. However, the proposed bill will have

the benefit of helping to move all manufacturers, including those in Connecticut, toward the markets of the future that are protective of children's health. **A similar bill in Maine was estimated by their state to have no cost to the state.**

In 2010, Connecticut passed, but did not fund, a law establishing a Chemical Innovations Institute. The purpose of that Institute is to work with businesses to identify safer alternatives to toxic chemicals for specific industrial uses. **This bill would complement the Chemical Innovations Institute by helping drive the market away from toxic children's products to safer ones.** Connecticut businesses would presumably have an easier time moving to the new markets created by recent more protective chemical regulations in Europe and in states like Connecticut through assistance from the Chemical Innovations Institute.

Chemical manufacturing and toy manufacturing for commodity products have moved overseas long ago, due to the lower cost of manufacturing. My understanding from those in the chemical industry is that the U.S. mostly produces higher priced specialty chemicals that demand more skill, innovation and ingenuity to produce, and therefore command a higher price. This bill will create more of a demand for innovative chemicals and products that are characteristic of U.S. manufacturing. **Therefore, this bill is likely to create more U.S. jobs and, in conjunction with the Chemical Innovations Institute, create more Connecticut jobs.**

For these reasons, the Public Health Committee and the legislature should pass this bill and protect Connecticut's children from known toxic chemicals. I will be happy to answer any questions.