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March 5, 2013
MEMORANDUM OF OPPOSITION

**Connecticut HOUSE BILL No. 6526, AN ACT CONCERNING TOXICS
DISCLOSURE AND INNOVATION FOR HEALTHY CHILDREN**

On behalf of the Grocery Manufacturers Association (GMA), I would like to take this opportunity to register our opposition to HB 6526, An Act concerning toxics disclosure and innovation for healthy children. The Grocery Manufacturers Association and its member companies support the intent of this legislation, to ensure that consumer products with which the citizens of the State of Connecticut come in contact are safe and free of unnecessary risk to health and wellbeing. However, we believe that this legislation falls short of that intent by creating an under-supported state-based process, which ignores the existence of the comprehensive protocols that already exist at the federal level. This legislation would unreasonably subordinate Connecticut business and consumer interests to the legislative and regulatory processes of other states and an ad hoc interstate agency.

Based in Washington, D.C., the Grocery Manufacturers Association is the voice of more than 300 leading food, beverage and consumer product companies that sustain and enhance the quality of life for hundreds of millions of people in the United States and around the globe.

Founded in 1908, GMA is an active, vocal advocate for its member companies and a trusted source of information about the industry and the products consumers rely on and enjoy every day. The association and its member companies are committed to meeting the needs of consumers through product innovation, responsible business practices and effective public policy solutions developed through a genuine partnership with policymakers and other stakeholders.

In keeping with its founding principles, GMA helps its members produce safe products through a strong and ongoing commitment to scientific research, testing and evaluation and to providing consumers with the products, tools and information they need to achieve a healthy diet and an active lifestyle.

The food, beverage and consumer packaged goods industry in the United States generates sales of \$2.1 trillion annually, employs 14 million workers and contributes \$1 trillion in added value to the economy every year.

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GMA's members hold the safety and integrity of the products they make, and the ingredients used to make them, as most important. GMA supports a rigorous, science-based federal regulatory framework and we believe that the federal government best handles the study and evaluation of chemicals for approval for use in food and consumer products. The products affected by this legislation, whether made in Connecticut or elsewhere, are generally manufactured for use in all 50 states. While this legislature clearly has the mandate to protect the citizens of this state, I would ask that you also consider the level of expertise and dedication of our public servants at the FDA, EPA and other federal agencies that work to safeguard the public's health and safety. Given the present level of federal protections, Connecticut consumers, taxpayers and its employees of the industries that make the products that could be effected by this legislation are well-served by the existing federal process.

While it may be said that this bill would begin to set a course toward the duplication of existing federal processes, it also falls short in the most important initial steps in those processes. HB 6526 fails to establish a foundation of credible scientific evidence. A credible, peer-reviewed scientific process ought to be the basis for the intended product of this legislation and that process should be clearly defined and include some notion of reliability. This legislation should call for study results that have undergone independent peer review of experimental design and study conduct that are reliable, adequate and relevant to human health and environment. Such studies should result in publication in a peer-reviewed journal or publication by an authoritative federal or international governmental agency, including but not limited to the U.S. National Toxicology Program, the U.S. Food and Drug Administration, U.S. Environmental Protection Agency, U.S. Centers for Disease Control and Prevention, World Health Organization, or the European Chemicals Agency. I should also point out that when we suggest that this legislation should at least specify that study results be *reliable*, we mean reliable as the term is used and recognized by the Organization for Economic Cooperation and Development (OECD) for "rating" studies in order to ensure that studies are applicable and credible, and sets acceptability criteria. The methodology employed by the OECD in chapter 3 of the Manual for Investigation of HPV Chemicals (OECD Secretariat, July 2007) is used for determination of reliable studies.

This legislation also fails to address the process to help relatively rank chemical/product use pairs for further consideration. The mere presence of a particular chemical in biomonitoring and environmental monitoring in consumer products does not equate with a safety concern. Exposure does not equal risk and this legislation simply does not address this central consideration.

The proposed legislation also confuses the concept of "intentionally-added." "Intentionally-added" in reference to a list of Chemicals of High Concern to Children (CHCC) should mean a chemical that was added during the manufacture of the product or product component in the formulation or assembly of a consumer product where its continued presence is desired in the final consumer product to provide a specific characteristic, appearance, or quality or to perform a specific function, that serves a purpose at or above a 0.1% (w/w) de minimis threshold. (This threshold is consistent with other state, federal and international systems by which manufacturers are currently regulated.) Mere presence of a contaminant would not constitute "intentionally-added."

While it is a given that the skills and experience to address the goals of this legislation clearly exists in Connecticut--both inside state government and in the infrastructure of industry and academia that abound in the state--this bill appropriates no money and makes no effort to support the scientific and academic needs of the Commissioner of Health and the Commissioner of Energy and Environmental Protection to carry out the provisions of this bill. Duplication of the duties and responsibilities of the federal government in the area of chemical regulation should not be attempted without adequate controls, specific parameters and sufficient funding.

HB 6526 does not consider the true cost of such an undertaking and ignores the fact that a less than comprehensive review of the true nature of the hazards of and risks associated with uses of certain chemicals and the safer alternatives available could lead to less than acceptable public policy and culminate in unintended consequences. Using the existing and evolving infrastructures of Maine and Washington State would amount to a crude subordination of the interests of the Connecticut economy, with no guarantee that these state processes are appropriate and with no oversight by the Connecticut legislature.

In terms of product innovation plan, the product improvement process is iterative, complex, and different on a product-by-product, case-by-case basis. The fundamentals of the alternatives analysis (AA) process are routinely executed as part of industry's ongoing research and development programs and product improvement projects. AA is a continuous improvement process for developing innovative, safe and effective consumer products and is core to product design. The key to innovation, and meeting consumer needs and preferences, is the ability for manufacturers to draw on a variety of existing decision making tools and approaches for developing products. Safety—protecting public health and the environment, as well as those making, shipping, and selling the products—is an inherent component of the product design process. A practical and meaningful framework for alternatives assessment would factor in consumer acceptance, flexibility, safety, performance, value, lifecycle resource utilization and other relevant parameters (e.g., manufacturability - availability, capability, regulatory compliance). However, competitively sensitive information should be safeguarded and trade secrets protected.

This legislation, while well intentioned, reaches too far, considers too little in the way of science and cedes considerable authority to agencies of other states and an ad hoc clearinghouse. There are currently 14 existing federal statutes and regulations governing product safety and the use and application of chemicals. This bill ignores the vast resources of the federal government put in place as a safety net and ignores the economic implication of trying to duplicate this huge and integrated resource.

Thank you for considering our testimony, for the above stated reasons we urge you to vote no on HB 6526. I look forward to working with committee members and staff in the coming days and weeks to address the issue child safe products. Thank you again and if I can answer any questions, I may be reached at any time at gcosta@gmaonline.org and at 703-967-7175.