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Testimony of the
CONSUMER SPECIALTY PRODUCTS ASSOCIATION
*in **OPPOSITION** to*
SENATE BILL 126
AN ACT CONCERNING CHILDREN'S EXPOSURE TO CHEMICALS
presented to the
JOINT COMMITTEE ON PUBLIC HEALTH
STATE OF CONNECTICUT
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Chairwoman Gerratana, Chairwoman Johnson and distinguished members of the Joint Committee on Public Health, my name is Owen Caine and I am Manager of State Affairs for the Eastern United States at the Consumer Specialty Products Association (CSPA). CSPA appreciates this opportunity to submit testimony **in opposition to Senate Bill 126** – *An act concerning children's exposure to chemicals*.

The Consumer Specialty Products Association (CSPA) is the premier trade association representing the interests of companies engaged in the manufacture, formulation, distribution and sale of more than \$100 billion annually in the U.S. of familiar consumer products that help household and institutional customers create cleaner and healthier environments. CSPA member companies employ hundreds of thousands of people globally. Products CSPA represents include disinfectants that kill germs in homes, hospitals and restaurants; air fresheners, room deodorizers and candles that eliminate odors; pest management products for home, lawn and garden, and pets; cleaning products and polishes for use throughout the home and institutions; products used to protect and improve the performance and appearance of automobiles; aerosol products and a host of other products used every day. Through its product stewardship program, Product Care[®], and scientific and business-to-business endeavors, CSPA provides its members a platform to effectively address issues regarding the health, safety and sustainability of their products. For more information, please visit www.cspa.org.

CSPA members are committed to manufacturing and marketing safe, innovative and sustainable products that provide essential benefits to consumers while protecting human health and the environment. CSPA member products improve the quality of human life and are necessary to protect the public health against dangerous diseases, infestation and unsanitary conditions. CSPA members are committed to providing products that are thoroughly evaluated for human and environmental safety and go through rigorous safety-based assessments before they are brought to market. CSPA members are also committed to clear and meaningful labeling on consumer products, *i.e.*, easily understood information to ensure safe and effective use and disposal. CSPA has a product stewardship program called Product Care[®] that assists members in meeting these commitments. In addition, CSPA members routinely apply green chemistry and green engineering principles in their operations and have been honored with awards for their efforts.

The consumer products industry develops products that meet or exceed safety requirements of all state and federal agencies in the United States and Canada charged with regulating those products, including the Connecticut Department of Energy and Environmental Protection (DEEP), the Ozone Transport Commission, the U.S. Consumer Product Safety Commission (CPSC), the U.S. Environmental Protection Agency (EPA), the Occupational Safety and Health Administration (OSHA), the U.S. Food and Drug Administration (FDA), Health Canada and Environment Canada.

SB 126 is vague and leaves important terms undefined. For example, Section 1 [lines 8-9] directs the Commissioner of the Department of Public Health (DPH) to rely on “credible scientific evidence” without providing a definition as to what constitutes credible scientific evidence. In addition, SB 126 does not make clear what constitutes a safer alternative to a specified chemical use.

SB 126 does not provide for adequate stakeholder input. Decisions are largely left to the Commissioners of DPH and DEEP. The legislation does not provide an opportunity for public input in the creation or prioritization of the list of priority chemicals of concern, nor during the subsequent review process prescribed in Section 2(b). CSPA is also concerned that there does not appear to be a method for removing chemicals from the list, other than waiting up to three years for the next review.

SB 126 lacks harmonization with similar laws in other states. Maine and Washington have adopted laws similar to the proposed legislation; both those states utilize key components that are absent from the current proposal. Notably, SB 126 does not rely on a *de minimis* level, which is important for providing the regulated community with certainty in meeting compliance obligations since analytical detection capabilities may vary. SB 126 also does not establish a Practical Quantification Level (PQL) as a limit for intentionally added chemicals. While the PQL approach is still not based in a risk determination, Connecticut should, at a minimum, harmonize with existing state laws to avoid creating a differing patchwork across states.

SB 126 does not adequately protect confidential business information (CBI). Product formula information is a trade secret and critical part of a company’s intellectual property. Product formulations can reveal the “recipe” of flagship brands that provide decades of market success for manufacturers. While CSPA understands the interest in formula information, this public interest requires a careful evaluation and balance with trade secret protection in a competitive market. Disclosure of seemingly isolated pieces of information about a product formula, including ingredient chemical names, concentrations, Chemical Abstract Service names and numbers, physicochemical properties and potential alternatives to one ingredient, provide key “clues” to a trained eye to unravel sophisticated formulary science in which a manufacturer made a significant R&D investment to create. Failure to protect a company’s intellectual property could lead to cheaper imitations from competitors, both foreign and domestic, undermining a company’s ability to capitalize off its investment. **By not protecting CBI, SB 126 would undermine the very investment in innovation it is intended to spur.**

SB 126 creates regulatory uncertainty. As noted above, the lack of harmonization between SB 126 and existing state laws is troubling. In addition, this legislation does not cap the number of chemicals that may ultimately be listed by the department. Additionally, there is no requirement for any formalized rulemaking with regulatory oversight and public input when the list of chemicals is revised.

Conclusion

CSPA members are committed to manufacturing and marketing safe products that are protective of human health and the environment while providing essential benefits to consumers. SB 126 would establish an expansive and unpredictable regulatory system, duplicative of other state and federal efforts at no benefit to Connecticut consumers. For the reasons detailed above, we urge the members of the Joint Committee on Public Health to *oppose SB 126*. Thank you for considering CSPA's position on this important issue. I welcome any questions or discussion of CSPA's testimony and position.