american cleaning institute®
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January 27, 2015

Honorable Danté Bartolomeo
Co-Chair, Committee on Children
State Capitol Building, Room 011
Hartford, CT 06106

Honorable Diana S. Urban
Co-Chair, Committee on Children
State Capitol Building, Room 011
Hartford, CT 06106

Re: Connecticut Raised Bill No. 5653

Dear Co-Chairs Bartolomeo and Urban:

The American Cleaning Institute® (ACI) is the trade association representing the $30 billion U.S. cleaning products market. ACI members include the formulators of soaps, detergents, and general cleaning products used in household, commercial, industrial and institutional settings; companies that supply ingredients and finished packaging for these products; and oleochemical producers. ACI and its members are dedicated to improving health and the quality of life through sustainable cleaning products and practices. ACI's mission is to support the sustainability of the cleaning products industry through research, education and science-based advocacy. Since 1926, ACI has promoted health through personal hygiene and effective cleaning.

ACI represents leading consumer product manufacturers who are committed to the safety of their products and maintaining the confidence of consumers. Product safety is the foundation of consumer trust, and our industry devotes enormous resources to ensure the safe use of our products. At the federal level, ACI is engaged with a range of policymakers and stakeholders to address chemical management in an effort to protect the public and the environment while retaining U.S. leadership in chemical innovation. In regard to these objectives, ACI has been working toward the modernization of the federal Toxic Substances Control Act of 1976 (TSCA) since well before the current Congressional efforts to amend the law. These efforts continue in the early days of the 114th Congress.

ACI respectfully presents the following fundamental concerns with the raised bill, No. 5653, titled *'An Act Concerning Chemicals of High Concern for Children'*.

ACI believes that a comprehensive chemical management system must provide a systematic, scientific and collaborative process to address priority chemicals and chemical uses of concern. A priority-setting process must be risked-based, taking into consideration both a chemical's hazards and potential exposures. Chemicals identified as the high priorities should be those substances with both the highest hazards and the highest potential exposures. Chemical management systems must have a reasonable, clearly defined approach for nominating, evaluating, and managing chemicals.

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This measure does not address these important issues. The raised bill does not provide for an adequate risk-based system; it instead appears to identify chemicals of concern based on a hazard characterization alone without a grounded, risk-based analysis. The proposed legislation would require the development of a priority chemical list, and authorizes specific state agencies to regulate such chemicals. However, the bill does not provide for any process for the consideration of the assessment of alternatives or substitutions, except for if the chemical in question does not appear on any list. There appears to be no distinction between the mere presence of a chemical and the toxicity of that chemical under the contours of this legislation. Moreover, the bill establishes no baseline for what information would be acceptable to make decisions about toxicity or exposure.

Any chemical management system is a substantial undertaking requiring extensive resources and expertise. The state would have to undertake an expensive, highly scientific review to make concrete determinations about the toxicity of chemicals; the state does not have the financial resources or expertise to execute such a review. Given current economic conditions, the proposed legislation would be counterproductive in light of other ongoing and successful global and domestic chemical management work, including work ACI is engaged in.

The raised bill also lacks any contemplation of the protection of confidential business information. The absence of forceful and robust protection of trade secrets and intellectual property, both substantially and procedurally, is a key defect in the measure. There is no assurance for product innovators that their investments in intellectual property will be protected.

Consistent with ACI efforts to modernize the federal TSCA noted above, ACI has provided extensive testimony and comment on a variety of chemical management policy concerns not fully recounted here. Thank you for your attention and consideration of these comments; I may be reached at (202) 347-2900 or via electronic mail at dtroutman@cleaninginstitute.org.

Sincerely,

Douglas M. Troutman
General Counsel & Vice President, Government Affairs

cc: Vice Chairs Bye and Hampton
Ranking Members Kokoruda and Martin
Committee on Children Members