

Committee on Children JOINT FAVORABLE REPORT

Bill No.: HB-5188

AN ACT ESTABLISHING A MORATORIUM ON THE USE OF RECYCLED TIRE

Title: RUBBER AT MUNICIPAL AND PUBLIC SCHOOL PLAYGROUNDS.

Vote Date: 3/1/2018

Vote Action: Joint Favorable

PH Date: 2/27/2018

File No.: 10

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SPONSORS OF BILL:

Committee on Children

REASONS FOR BILL:

To establish a moratorium on the installation of crumb rubber ground covers at municipal playgrounds and playgrounds under the jurisdiction of local or regional boards of education until the release of the Federal Research Action Plan on Recycled Tire Crumb Used on Playing Fields and Playgrounds.

RESPONSE FROM ADMINISTRATION/AGENCY:

Raul Pino, Commissioner, Department of Public Health:

The testimony provided is information for consideration. DPH does not endorse or oppose the installation of any specific type of recreational surface on town or school playgrounds. The department has been closely tracking the research associated with crumb rubber use on artificial turf fields. Young children have a higher potential to ingest recycled tire crumbs that are used to cushion playground surfaces than they would on artificial turf fields. Ingestion may lead to absorption of rubber-related chemicals, some of which are carcinogenic. While DPH's artificial turf study did not evaluate the oral exposure pathway, others have; most notably the State of California and Rutgers University-Robert Wood Johnson Medical School. Both the California and Rutgers studies concluded that any potential exposures from children's ingestion of these recycled rubber materials would not cause an elevated health risk. This is similar to the finding of DPH, DEEP and the University of Connecticut Health Center from our joint study of five (5) athletic fields in Connecticut.

NATURE AND SOURCES OF SUPPORT:

Joyce Acebo-Raguskus, Chair, Diesel Clean Up, Environmental Concerns Coalition, Advocate, CLEAN WATER ACTION, Coalition For A Safe & Healthy CT:

Testimony was submitted in support of this bill because it is imperative and vital to the health of our children in Connecticut. It is believed that the use of toxic tire rubber must be prohibited as the research for the toxic chemicals and levels especially in heated temperatures, and extent of levels, as well as long term, that actually enter the bodies of children playing, rolling and breathing into their young lungs in these fields, still remains unknown. The comprehensive data and testimony given by Dr. Sarah Evans on Feb. 21, 2017 and the MT. Sinai Children's Health Center testimony supplies important data regarding this issue.

Nancy Alderman, President, Environment and Human Health, Inc.:

Testimony was submitted in favor of this bill because the study on rubber tire mulch conducted at Yale University concluded that it contains 10 carcinogens. The product should be banned for use in playgrounds. From the data of this new study, it is reasonable to assume that children are being exposed to multiple carcinogens on their playgrounds surfaced with waste tire rubber mulch.

Lynne Bonnett:

Testimony was submitted in favor of this bill because this material is toxic and children are especially vulnerable to these chemicals.

Louis W. Burch, Citizens Campaign for the Environment:

Testimony was submitted supporting this bill because several of the chemical constituents found in crumb rubber are considered chemicals of high concern to children, due to their potential to leech, off-gas, or otherwise expose children to dangerous toxins contained therein. Because of this, localities across the U.S. and around the world have already begun taking action to prohibit the use of recycled tire crumb in recent years, citing the potential health and safety impacts these materials can have on developing youths. The NYC Dept. of Parks & Recreation published a directive in 2008 suspending the use of rubber infill on synthetic turf fields. In 2006, the Government of Sweden banned the use of artificial turf containing crumb rubber. In January of 2016, the Hartford City Council approved a zoning regulation prohibiting the use of artificial turf containing synthetic infill on municipal grounds and schools. As more information becomes available regarding the adverse health risks associated with crumb rubber, more and more communities around the world are moving towards eliminating crumb rubber from public playgrounds, school grounds and athletic facilities.

Jeff Cordulack, Executive Director, Northeast Organic Farming Association of Connecticut:

Testimony was submitted in favor of this bill because it takes an important step to protect our youngest citizens from toxic materials.

Susan Eastwood:

Testimony was provided in strong support of this bill because as an advocate, a concerned citizen and a parent, Susan is concerned about the growing evidence that recycled tire rubber used in artificial turf may present serious risks to public health. There is controversy over how great these risks really are, but while studies continue, she feels that it would be wise to act in a precautionary manner and pause from installing any new playgrounds using this material until the science is complete.

James L. Ferraro, Jr., Esq. Ferraro Law Firm:

Testimony was submitted in support of this bill as a concerned citizen and an attorney with experience in mass tort litigation. Sadly, what is currently unfolding within the synthetic turf industry bears striking similarities to the aforementioned mass tort catastrophes - deceptive marketing practices, industry funded junk science (aimed at misleading customers and creating doubt in the courtroom), and a focus on corporate profits over consumer health and safety. In response to accounts of hundreds of athletes, who played on synthetic turf fields and contracted various cancers, government agencies such as the CPSC, EPA, and the CDC are currently investigating the toxicity of synthetic turf fields. While these studies are focused on tire crumb — the infill material used in 99% of fields — research regarding the risks of all the other synthetic field components, including plant-based infills, is already underway.

Anne Hulick, State Director, Clean Water Action, Coordinator, Coalition for a Safe and Healthy Environment:

Anne Hulick testified in strong support of this bill. It is believed that there are a number of reasons to be concerned about the health and environmental impacts of recycled tire rubber mulch and they rely heavily on the expertise of the physicians and researchers at the world-renowned Children's Environmental Health Center at Mount Sinai for their landmark research on children's environmental health and guidance on this issue. In light of the risks found in this study and the gaps in research, it is prudent public policy to place a moratorium on the installation of this material in the places where children play, until the U.S. Environmental Protection Agency concludes its current study.

Robert Wright, MD, MPH, Director & Sarah Evans, PhD, MPH, Mount Sinai Children's Environmental Health Center:

Testimony was submitted in support of this bill because as pediatricians, epidemiologists, and laboratory scientists they have received numerous phone calls from concerned parents and physicians regarding the wide scale use of recycled rubber surfaces on school grounds and in park properties. This led to a review of the risks and benefits of artificial playing surfaces, during which they found significant gaps in the evidence supporting the safety of recycled rubber turf products. Until the findings of the United States Environmental Protection Agency (USEPA) study are available and conclusively demonstrate the safety of recycled rubber playground surfaces, it is recommended a moratorium on the use of these materials where children play.

Pamela Puchalski, Coordinator, ConnectiCOSH:

Testimony was submitted in favor of this bill because they believe that more study needs to be done to assess the safety and health risks using such materials in ground cover and

whether it would provide a safe, non-toxic environment for children to play in. It is already known that some tire rubber definitely contains toxic and carcinogenic chemicals of concern, and that other chemicals that merit concern may be contained in them. Children may be in shorts and t-shirts, playing with toys and sitting in the landscape of hazardous exposures, perhaps snacking and rubbing their eyes to increase the intensity of their exposure.

Julia Sherman:

As a chemistry teacher for forty years, Julia Sherman cannot support rubber scraps being used in playgrounds. The product continues to give off chemicals that are not natural to our bodies.

Jerome Silbert, M.D. Executive Director, the Watershed Partnership, Inc.:

Testimony was submitted in favor of this bill. There is agreement that there is a lack of certainty and it is unfortunate that the use of crumb rubber has become so widespread before it was adequately tested. It is important to emphasize that children are exposed to a combination of toxic chemicals in crumb rubber and this has not been taken into account in the studies that have been done thus far. If crumb rubber is found to be a health risk it should be removed from playgrounds and a safe alternative substituted. The good news is that there are safe and affordable non-toxic alternatives to using crumb rubber on children's playgrounds.

Roberta Silbert, MPH:

Testimony was submitted in support of this bill because there is mounting evidence of the carcinogens and irritants that are in this material. Children are particularly vulnerable to the effects of toxins – children and toxic chemicals don't mix. There is an amendment that Roberta Silbert thinks should be added to this bill and that is to change the wording to "School Playgrounds" and remove the word "public." The current pesticide ban at schools is for both public and private schools and this bill should protect children in every playground in CT.

Ellen Weininger, Director: Educational Outreach, Grassroots Environmental Education:

Testimony was submitted in strong support of this bill. Children are uniquely vulnerable to toxic exposures due to their immature organs and developing bodies, which make it more challenging for them to detoxify or eliminate certain toxins. Due to their small size, they receive proportionally greater doses of chemical contaminants found in water, air and food. Even a small exposure occurring during a critical window of a child's development could result in permanent adverse health impacts. Children are also at greater risk due to their play habits and typical hand-to-mouth behavior.

Mary Jane Williams Ph.D., RN, Chairperson of Government Relations Committee, Connecticut Nurses Association:

Testimony was submitted in favor of this bill because to date, the science to support the safe utilization of "crumb rubber turf" is inconclusive and in its formative stage but early studies have indicated that the use of "crumb rubber" is associated with increased cancers, leukemia,

and neurological disorders. We do not have much pure sound research to date we need to be proactive. It is essential that we act now to prohibit the use of recycled rubber in any area where it may impact the health and wellbeing of our country's future, our youth.

Carolyn Wysocki, President, Ecological Health Organization:

Testimony was submitted in support of this bill because the organization believes there is no safe level for exposure to artificial surfaces that contain carcinogens and the only way to prevent cancer is to eliminate its source of exposure.

NATURE AND SOURCES OF OPPOSITION:

Connecticut Association of Boards of Education, Inc.:

CABE provided testimony in opposition to this bill because school districts plan new construction and renovations months in advance and districts have long range planning for many projects in and around schools. Establishing one set of rules then potentially another within a year's time is confusing and leads to poor planning. District budgets are proposed and adopted in the spring, and even earlier, before the end of the legislative session.

Connecticut Conference of Municipalities:

CCM submitted testimony in opposition to this bill because it would restrict the different types of materials that towns and cities can use, and therefore, possibly increase the cost of other materials. Additionally, it is believed that there is no compelling reason for a moratorium on the use crumb rubber on municipal playground. CCM would highly recommend waiting for the EPA study "Recycled Tire Crumb Used on Playing Fields" that is set to be released mid-2018. This proposal is simply putting the cart before the horse.

Betsy Gara, Executive Director, Connecticut Council of Small Towns:

Testimony was submitted in opposition to this bill until the findings of the Federal Research Action Plan on Recycled Tire Crumb Used on Playing Fields and Playgrounds is released. It was stated that towns are certainly mindful of concerns about the use of recycled tire materials in playground surfaces and have paid close attention to previous studies that have been conducted, including a study conducted by the state Department of Public Health. To date, these studies have concluded that the use of recycled tire rubber in playground surfaces and athletic fields does not pose significant health or safety concerns.

Julie Lemay, Senior Environmental Health Scientist, Gradient:

Julie Lemay testified in opposition to this bill because she believes that the controversy surrounding crumb rubber is the result of studies that have only measured the chemicals in crumb rubber and not the risk and exposure. In addition, she stated that dozens of peer-reviewed and regulatory studies have been done and found that there is no evidence that the levels of chemicals in crumb rubber present a public health risk.

Paul Roche, Chairman: Legislative Committee, Connecticut Recreation & Parks Association:

Testimony was submitted in opposition to this bill because a ban on the use of recycled tire products is not consistent with science, education, and research on this issue. Any legislation banning this surfacing should wait until the EPA results have been released.

Reported by: Mikhela Hull

Date: 3/23/18