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**Date:** March 27, 2024

**To:** The Honorable Rep. Theresa Wood, Chair  
House Committee on Human Services  
Room 46  
115 State Street  
Montpelier, VT 05633

cc: Rep. Jessica Brumsted, Vice Chair  
Rep. Anne B. Donahue, Ranking Member  
Rep. Rey Garofano  
Rep. James Gregoire  
Rep. Noah Hyman  
Rep. Jubilee McGill  
Rep. Daniel Noyes, Clerk  
Rep. Kelly Pajala  
Rep. Taylor Small  
Rep. Dane Whitman  
Lori Morse, Committee Assistant

**From:** Martin Wolf  
Director, Sustainability & Authenticity  
Seventh Generation, Inc.  
Burlington, VT 05401

**RE:** Testimony on S.25 An act relating to regulating cosmetic and menstrual products containing certain chemicals and chemical classes and textiles and athletic turf fields containing perfluoroalkyl and polyfluoroalkyl substances

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Dear Rep. Wood:

On behalf of Seventh Generation, thank you for this opportunity to testify on S.25 An act relating to regulating cosmetic and menstrual products containing certain chemicals and chemical classes and textiles and athletic turf fields containing perfluoroalkyl and polyfluoroalkyl substances

Seventh Generation is the nation's leading brand of household products designed to help protect human health and the environment. Established in 1988, our Burlington,

Vermont based company employs over 120 people, distributing products to natural food retailers, supermarkets, mass merchants, and online retailers across the United States.

Among the products manufactured and sold by Seventh Generation are laundry detergents, dish detergents, hand soaps, and household paper products made from recovered paper.

In October 2016, Seventh Generation was acquired by Unilever, a global manufacturer of consumer products dedicated to making sustainable living commonplace. The views I present here are those of Seventh Generation and may not reflect those of Unilever.

### **Background**

As noted in Vermont Act 188, Chapter 38a. Chemicals of High Concern to Children, §1771, “It is the policy of the State of Vermont:

(1) to protect public health and the environment by reducing exposure of its citizens and vulnerable populations, such as children, to toxic chemicals, particularly when safer alternatives exist;”

According to the EPA website, “Section 8 (b) of the Toxic Substances Control Act (TSCA) requires EPA to compile, keep current and publish a list of each chemical substance that is manufactured or processed, including imports, in the United States for uses under TSCA.”<sup>1</sup> Further, “The Inventory was initially published in 1979, and a second version, containing about 62,000 chemical substances, was published in 1982. The TSCA Inventory has continued to grow since then, and now lists more than 86,000 chemicals.”<sup>2</sup>

The State of California maintains a list of Candidate Chemicals that express certain hazard traits. “Hazard traits are intrinsic properties of a chemical that may contribute to adverse effects in humans, animals, or in ecological communities.”<sup>3</sup> Hazard traits include carcinogenicity, developmental toxicity, reproductive toxicity, neurotoxicity, endocrine toxicity, and other harms to human and environmental health.<sup>4</sup> Presently, California recognizes approximately 2,300 Candidate Chemicals.<sup>5</sup>

### **Hazard Versus Exposure**

A criticism of the use of hazard as the basis for restricting use of a substance is that doing so is “unscientific.” Those critics argue that assessment of risk (the likelihood of harm) is necessary to make a valid decision to restrict a substance. The claim is that the issue is one of Hazard versus Risk. This latter approach is, in fact, the one that is “unscientific.”

Hazard is intrinsic to a substance, like its melting point, color, smell, or other intrinsic properties. Risk is the likelihood of harm from exposure to a hazardous substance. The lower the exposure, the less the risk of harm. Thus, Risk of Harm can be controlled in either of two ways, by reducing the exposure or by eliminating the Hazard. That is, the issue is not Hazard versus Risk, but Hazard versus Exposure. By eliminating the Hazard, S.25 and similar laws eliminate the risk of harm from hazardous substances.

It is possible to reduce the risk of harm by reducing exposure, but that can never completely eliminate the risk. Further, it is difficult to know what the exposure to a chemical is since consumers use many products and do not always use them according to manufacturer's directions. The only certain way to eliminate the risk is to eliminate the hazard.

### **Seventh Generation Position on S.25**

As a successful manufacturer of formulated consumer products, Seventh Generation has demonstrated it is possible to formulate consumer products that are cost-competitive and meet consumer needs without the use of any Candidate Chemicals. Seventh Generation has nearly 80 products recognized by the US EPA Safer Choice program, which program has stringent requirements that products not contain substances with hazard traits like those identified by California as Candidate Chemicals. Indeed, Safer Choice recognizes over 2,000 products from a number of manufacturers as meeting its standard.

Although the Safer Choice program is specific to the cleaning products category, similar standards exist for the personal care industry, such as the Made Safe standard. Personal care products do not need to be made with chemicals with known hazard traits.

S.25 proposes to restrict approximately 24 chemicals or chemical classes with known hazard traits. This is about 1% of the Candidate Chemicals. This is a meager start to the task of restricting the majority of chemicals with known hazard traits. Seventh Generation applauds the start while simultaneously asking for action to restrict the more than 2,000 additional substances.

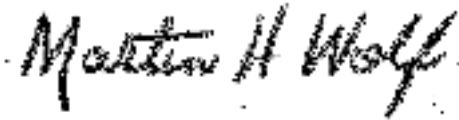
### **In Conclusion**

Seventh Generation and other responsible businesses already exclude hundreds of chemicals of concern, including PFAS, bisphenols, and phthalates, from their formulation pallets. We will not use, and there is no need for us to use, substances that are known or likely to cause cancer, or substances known or likely to express reproductive toxicity, or substances known or likely to be persistent, bioaccumulating, and toxic.

By prohibiting the use chemicals with known hazard traits in personal care products, textiles, and artificial turf, Vermont will protect our public health and our environment and fulfill the policy of the state to reduce exposure of its citizens and vulnerable populations, such as children, to toxic chemicals, particularly when safer alternatives exist.

Thank you for your attention to, and consideration of, these comments.

Respectfully submitted,



Martin Wolf  
Director, Sustainability & Authenticity  
Seventh Generation, Inc.

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<sup>1</sup> <https://www.epa.gov/tsca-inventory/about-tsca-chemical-substance-inventory>. Downloaded 26 March 2024.

<sup>2</sup> Ibid.

<sup>3</sup> <https://dtsc.ca.gov/scp/candidate-chemicals-list/> Downloaded 26 March 2024

<sup>4</sup>

[https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=IAC4263355B6111EC9451000D3A7C4BC3&originationContext=documenttoc&transitionType=Default&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=IAC4263355B6111EC9451000D3A7C4BC3&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default)) Downloaded 26 March 2024

<sup>5</sup> <https://dtsc.ca.gov/scp/candidate-chemical-list-frequently-asked-questions/> Downloaded 26 March 2024