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April 4, 2014

The Honorable David Deen, *Chair*
House Committee on Fish, Wildlife and Water Resources
Vermont State House
Montpelier, VT 05633

CC: Rep. Jim McCullough, *Vice Chair*
Rep. Steve Beyor, *Ranking Member*
Rep. Willem Jewett
Rep. Bob Krebs
Rep. Mark Huntley, *Clerk*
Rep. Connie Quimby
Rep. Thomas Terenzini
Rep. Kate Webb

RE: Senate Bill 239: An act relating to the regulation of toxic substances

Dear Representative Deen:

On behalf of Seventh Generation, I thank the Committee for this opportunity to testify in **support of S. 239**, an act relating to the regulation of toxic substances.

Seventh Generation is the nation's leading brand of household and personal care products designed to help protect human health and the environment. Established in 1988, the Burlington, Vermont based company employs over 130 people, and remains an independent, privately-held company distributing products to natural food stores, supermarkets, mass merchants, and online retailers across the United States and Canada.

Among the products manufactured and sold by Seventh Generation are body and hand soaps, laundry detergents and dish detergents, baby diapers, baby wipes, and feminine hygiene products.

S.239 is needed to ensure the health and well-being of all Vermonters. As noted in the preamble to S.239, and as validated in peer-reviewed scientific research, a large number of chemicals in use today:

- (A) harm the normal development of a fetus or child or cause other developmental toxicity;
- (B) cause cancer, genetic damage, or reproductive harm;
- (C) disrupt the endocrine system;
- (D) damage the nervous system, immune system, or organs or cause other systemic toxicity; or



(E) persist in the environment and accumulate in human and other animal tissues.

Regulation at the Federal level has not worked for the past 38 years, and meaningful reform is unlikely in the current political climate. California, Maine, and Washington have each passed chemical management legislation because of this failure at the Federal level. Approximately 20 other states have recently seen legislation introduced. S.239 is needed to protect Vermonters and their children from chemicals of concern and the chronic childhood conditions and costs associated with them.

Use of chemical hazard is a scientifically sound way to prioritize chemicals for labeling, restriction, and elimination. Hazard is the ability of a chemical to cause harm. Risk of harm can be reduced by controlling exposure, but the only reliable way to limit exposure is to eliminate chemicals of concern from consumer products. Limiting exposure by other means is not reliable. Few children under six have the ability to read CAUTION statements on labels. Few consumers consider that applying one product to their skin and another to their hair may result in a higher exposure to a chemical of concern than a manufacturer anticipated. Products that caution “use only in well ventilated areas” are routinely used in small, poorly ventilated spaces such as bathrooms. Attempts to limit exposure will ultimately fail. The only certain way to eliminate the risk of harm is to eliminate the hazard.

Regulation of toxic chemicals protects responsible Vermont businesses. Seventh Generation already excludes thousands of chemicals from its formulation pallet. We will not use, and there is no need for us to use, substances that are known, or likely to cause cancer (National Toxics Program Report on Carcinogens), or substances known to the State of California to cause cancer or reproductive toxicity, or persistent, bioaccumulating toxins identified by the US EPA.

By regulating the sale of products with these toxics, the Vermont legislature will protect responsible Vermont businesses from manufacturers willing to trade human safety for extra profit.

Lead, cadmium, and phthalates in children’s toys, melamine in dairy products, bisphenol-A in cash register receipts, butoxyethanol and nonylphenol ethoxylates in cleaning products are not quality assurance issues. They are the consequence of a value system that places pennies of profit over increased risk of harm to human health.

Regulation of toxic chemicals promotes innovation. Seventh Generation stands as proof that cost-effective products that not only meet consumer demands, but are increasingly demanded by consumers, can be formulated and manufactured without chemicals of concern. Failure to pass legislation to manage chemicals of concern will maintain the status quo. There would be no reason for companies to innovate to create safer products. Passing S.239 will force other companies to innovate as Seventh



Generation has, while simultaneously reducing the risk of harm from chemicals of concern.

Childhood exposure to toxic chemicals costs the US \$76.6 billion, annually.¹ On a pro rated basis, this is a cost to Vermont of \$150 million annually in medical expenses to treat childhood diseases related to toxic chemicals exposure.

By way on contrast, the Safer Consumer Products regulations in California, which are significantly more complex than those proposed here, are estimated to cost \$ \$7.3 million over the first five years (\$1.5 million per year).²

By directing the Commissioner of Health to consider designations made by other states, the federal government, other countries, or other governmental agencies, S.239 reduces the risk of inconsistent or restrictive regulations. Manufacturers can minimize their costs, and Vermont can ensure minimal disruption, by harmonizing with other jurisdictions and using proven reporting systems such as the Interstate Chemicals Clearinghouse (IC2). Vermont can be a leader in human health and environmental protection without standing alone.

In summary, this proposed legislation is scientifically sound, and would protect Vermonters from exposure to toxic chemicals and associated diseases, save the health care costs to treat and manage those diseases. This legislation would also protect responsible Vermont businesses from those businesses willing to trade their profits for risk of harm to human and environmental health. Passing this legislation would drive more competitive, innovative, and economically sustainable industries both within Vermont and beyond our borders.

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

Respectfully submitted,

A handwritten signature in black ink that reads "Martin H. Wolf". The signature is written in a cursive, flowing style.

Martin H. Wolf
Director, Product Sustainability & Authenticity

¹ Trasande, L. and Liu, Y, "Reducing The Staggering Costs Of Environmental Disease In Children, Estimated At \$76.6 Billion In 2008, Health Affairs, May 2011 10.1377

² California State House Appropriations Committee Fiscal Summary, AB 283. Available at: http://info.sen.ca.gov/pub/07-08/bill/asm/ab_1851-1900/ab_1879_cfa_20080807_131956_sen_comm.html