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House, Fish and Wildlife Committee  
Vermont State General Assembly  
Montpelier, VT

Re: S.239

Dear Chairman Deen and Members of the Committee:

I am writing to submit testimony on the toxic substances bill, S.239.

Maple Landmark is a Vermont wood products manufacturer in Middlebury with 36 employees. Since we primarily make toys, we have considerable experience in dealing with product safety and we know it is a continual process. Changes are often prompted by real world events. In my industry, such a circumstance happened in 2007 when millions of imported toys were recalled for high lead levels.

Those recalls didn't happen because of a lack of regulation, they were clear violations of existing law. The problem was insufficient compliance by manufacturers and enforcement on the part of the federal government. The result was the Consumer Products Safety Improvement Act of 2008. The CPSIA requires third party testing on all children's products for eight chemicals plus a long list of physical hazards (choking, sharp points, etc.). We have used outside labs periodically for over 20 years and the new rules dramatically increased the requirements to do so. In 2012, we spent approximately \$45,000 on lab tests alone and testing must be done on continuing intervals. We are proud to say that our products so far have always passed, and exceeded, the necessary standards.

In our view, S.239 is a regulation similar to the pre-2008 federal standards when rules were for those who followed them and there was plenty of opportunity to not get caught. Some people may say "better than nothing." That is a problem when it puts compliant companies at a competitive disadvantage to the non-compliant. We experienced that in the mid 2000's when we lost business because we could not get finish quality as good as our competitors. Lead limits at the time were 600 ppm (now generally 90 ppm). We figured no lead was the effective rule, and the best way. We later learned many of our competitors added lead to under the legal limit (and sometimes over) to get a better finish result. With the new requirements, we are on equal footing.

I'm concerned with this Vermont initiative - how many companies are going to ignore it, possibly creating new disadvantages. I am not arguing for no regulations, I'm arguing for a level playing field that makes sense for a small business. Even in trying to be compliant, this developing patchwork of state-by-state rules is a major problem for a company like ours. How

can we possibly keep up with everything? Our only choice is to contract with our testing lab to track these things, at an even greater expense, just to know what is going on. We have already pulled out of Europe, not because we are not compliant to their new 2013 chemical standards, but because it was too expensive to administer.

We also foresee a problem with knowing whether we are compliant or not. Proponents of the bill say it is "easy." I'm just supposed to ask suppliers about the ingredients in anything we purchase. Given the scores, or hundreds, of potential chemicals, I can't be sure any system is going to be that certain. Some companies in 2007 found reliance on supplier's word to be misplaced. In the current proposal with so many chemicals there are too many moving targets. The chemical list will change and even on the supply side things change. Just last month we were informed that one of our print ink series is changing formulation. I don't have a choice and I'm not a big enough user to have any pull on the matter. I will have to test that new ink for federal compliance, at a cost of \$1500.

We expect that there will be chemicals of concern that are used in our process even if they are not to be part of the final product. How are we to be sure they are there or not without some level of testing? Easy? Maybe, but not inexpensive.

S.239 dives into a very complex process and I feel it does not respect how involved it can, and should, be. Ironing out the federal CPSIA process was long and expensive, just as past chemical initiatives have been on the Vermont level. You can't do an end run around this because understanding incidences and exposures is a delicate process. One CPSIA example: *What should happen with ball point pens marketed to kids when they have lead in the roller ball? Is that truly a hazard and what are the alternatives?* One small question out of thousands, not cut and dried nor easily handled by a board of virtual volunteers.

This bill a bad idea. It is designed to be an irritant due to perceived federal TSCA inaction, without rocking the boat too much (ie, the large industry exclusions that have been added). It adds costs without assurances of compliance and enforcement. I just hope the results do not do too much collateral damage to good Vermont companies. The state does not have the resources to do this right and it will have minimal impact to the exposures experienced by the people of the state.

Sincerely,



Michael Rainville  
President