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HOUSE COMMITTEE ON FISH, WILDLIFE & WATER RESOURCES

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**Supplement to Omya's April 10, 2014 Oral Testimony on S.239
(Note: Omya was represented by Andrew MacLean of MM&R)**

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As passed by the Senate, S.239's definition of "Chemical" includes the following language:

"Chemical" shall not mean crystalline silica in any form, as derived from ordinary sand or as present as a naturally occurring component of any other mineral raw material including granite, gravel, limestone, marble, slate, soapstone, and talc.

This language is entirely consistent with the approach taken in the State of Washington to implement The Children's Safe Product Act enacted there in 2008.

In implementing that law, the Washington Department of Ecology (Ecology), in consultation with the Washington Department of Health, was required to develop a list of chemicals that manufacturers must report on. This list is called the "Reporting List of Chemicals of High Concern to Children (CHCC)". The process utilized by Ecology to compile the CHCC list included multiple steps referred to as "Phases". Although crystalline silica (in its most common and abundant form as "quartz") was initially identified as a potential CHCC, ultimately it was not included on the final CHCC list. It was during the third and final vetting phase that silica was eliminated from the potential CHCC list.

Ecology published an Executive Summary document describing the process it used to develop the CHCC list (available at <http://www.ecy.wa.gov/programs/swfa/rules/pdf/CSPAexsum.pdf>). On page four it provides the following discussion regarding quartz's elimination:

"Phase 3 was a more thorough vetting of each of the chemicals from Phase 2. As a starting point for this vetting effort, both alcohol and quartz were removed from the list."

While Ecology's specific reasons for eliminating quartz (crystalline silica) from the list are not detailed in the Executive Summary, it would appear reasonable to assume that the reasons had to do with:

- Silica's unavoidable ubiquity as a substance comprising 12% of the earth's crust and a component of virtually all rocks and soils, and the industrial minerals widely used in consumer products.
- The fact that consumer products rarely are a source of "airborne" and "respirable size" silica dust. Both are necessary for silica to be considered a carcinogen per IARC and NTP ("respirable" means a particle <10 microns in size; the width of the average human hair is 100 microns).
- Silica's routine presence in the ambient air we breathe, primarily resulting from winter sand applied to roads (sand is silica) and the silica-containing dust generated from unpaved roads.

Omya appreciates the opportunity to provide testimony to the Committee, and would be happy to provide further documentation related to the above or any other information that may assist the Committee in its consideration of S.239.