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**To: Senate Committee on Health and Welfare**  
**From: Lauren Hierl, Environmental Health Advocate, VPIRG**  
**Re: Testimony in support of S.239, an act relating to regulating toxic substances**  
**Date: January 30, 2014**

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Madam Chair and Members of the Committee, my name is Lauren Hierl and I'm the environmental health advocate at the Vermont Public Interest Research Group. VPIRG is Vermont's largest environmental and consumer advocacy group, and we have a long history of working to reduce Vermonters' exposure to harmful chemicals. We thank you for the opportunity to testify today in strong support of S.239, the Toxic-Free Families Act.

I appreciate how your committee has led the way on a number of important pieces of legislation to protect Vermonters from harmful chemicals used in consumer products, resulting in some of the nation's toughest restrictions on chemicals like lead, mercury, phthalates, BPA and flame retardants.

We know that certain chemicals are contributing to alarming public health trends, including increasing rates of childhood and other cancers, asthma, obesity, infertility, learning disabilities, and more.

My own son was born with a birth defect, hypospadias, which has skyrocketed in recent years, and exposure to toxic chemicals has been implicated. Even in his case, what was fortunately a mild defect still resulted in a lot of stress in our family, numerous visits to medical specialists, and expensive medical bills. The health impacts we're discussing today are real impacts on families across Vermont.

State-level action is needed because the federal Toxic Substances Control Act (TSCA) is failing to protect us from dangerous chemicals. The recent tragedy in West Virginia highlighted some of the failures of TSCA, when hundreds of thousands of Americans were unable to drink or even bathe in their water after a largely untested chemical spilled into their water supply. Some failures of TSCA are most appropriately dealt with at the federal level, but Vermont can and should take steps to better protect our residents from unnecessary exposure to toxic chemicals.

Federal discussions are going on right now about reforming TSCA, but unfortunately, the likelihood of meaningful reform remains slim. A proposed federal bill, the Chemical Safety Improvement Act, is strongly supported by industry groups, but the majority of public health, environmental, and workers' rights groups believe passing this legislation would actually be a step backwards. So it will remain up to the states to be proactive.

And with more than 84,000 chemicals registered for commercial use in the U.S., it's inefficient and ineffective to address this problem by passing bill after bill, year after year, one chemical at a time. Instead, S.239 would put this issue in the hands of the scientists at the Department of Health to thoughtfully assess and identify the chemicals of most concern to public health.

Other states, including Washington, Maine and California, are already implementing similar chemical safety programs. S.239 incorporates aspects of those programs that are working well, and incorporates some lessons learned, so we can put an even better program in place.

These other state programs have been in effect for several years, so they have already worked hard to compile research to create lists of chemicals of concern, create databases and processes for collecting disclosure data from manufacturers, develop protocols for safer alternative assessments, and more. There are many resources for Vermont to tap into to implement this program.

The Toxic-Free Families Act will give businesses plenty of time to make the switch from toxic chemicals to safer alternatives. In fact, under S.239, they will have four full years to seek a safer alternative once a chemical is listed. If a safer alternative is not technically or economically feasible, there is a waiver process.

When safer alternatives are available, we've seen these restrictions work, such as with our BPA, phthalates, and flame retardant bills. Further, these regulations are protecting public health. For example, a recent study in California found levels of toxic PBDEs dropped by two-thirds in pregnant women since a ban on that chemical went into effect several years ago.

Consumer demand for safer, healthier products is already pushing companies to respond. Walmart, for example, has pledged to have complete disclosure of chemicals used in their household cleaning, personal care, beauty and cosmetic products by January 2015, and they are voluntarily phasing out about ten harmful chemicals from those products. If Walmart can do it, anyone can. And numerous Vermont businesses are already choosing to avoid chemicals of high concern. We have a letter signed by dozens of Vermont businesses endorsing this legislation.

It's also worth noting that the costs of inaction are high. A study in Maine looking at expenses related to lead poisoning, asthma, neurobehavioral disorders and cancers found that Mainers are spending several hundred million dollars each year in health care expenses attributable to toxic exposure in children. As this committee looks at a single-payer health care system in coming years, implementing programs like this to prevent diseases will be more important than ever, and ultimately should save the state money.

At the end of the day, I know you'll hear from numerous businesses concerned about the costs of this type of program, but I urge you to keep in mind that a modest burden on some manufacturers could mean fewer couples struggling with infertility, fewer children born with birth defects or developmental disorders, and fewer cases of cancer or other serious health problems in Vermont. I think the choice is clear.

I urge the committee to support a strong Toxic-Free Families Act. Thank you for your time.