



MEMORANDUM

TO: Chairman Ayer

CC: Committee Members, Senate Committee on Health and Welfare
Vermont Senate

FROM: Stephen Rosario
Senior Director, Northeast Region, American Chemistry Council

DATE: January 30, 2014

SUBJECT: OPPOSE S.B. 239 "An Act Relating to the Regulation of Toxic Substances"

The American Chemistry Council (ACC) is a national trade association representing chemicals and plastics manufacturers in the United States, including member companies in the State of Vermont. Our members are committed to the safety of their products and to the protection of the public health. ACC **opposes SB. 239.**

The Chemistry Industry: Contributor to Jobs in Vermont

Over 96% of all manufactured goods are directly touched by the business of chemistry, making this industry an essential part of every facet of our nation's economy. Chemistry provides significant economic benefits in every state including New York. Thanks to chemistry, our lives are healthier, safer more sustainable and productive than before.

The chemical industry directly employs over 1,150 people in Vermont and indirectly supports another 2,190 jobs and the industry directly generates \$1 million in state and local taxes and another \$3 million in federal taxes supporting the needs of Vermont and its residents.

Legislation such as SB 239 that is essentially a ban on chemical products will only deter the business of chemistry in Vermont.

Chemical Regulation Legislation: Targets Business of Chemistry for Bans in Consumer Products

SB 239 would essentially create a State-level chemicals regulatory program with the ultimate intent of allowing the State, through a "chemical prioritization" process, to target specific chemicals for bans in consumer products. ACC opposes this legislation for the primary reason that it is predicated on the assumption that there is inadequate protection for consumers in today's marketplace.





This legislation does nothing to enhance safety of Vermont residents. Furthermore, we believe that assessing product safety is more than simply noting the presence of a chemical substance in a formulation. It must also include considerations of product use, user exposure to the chemical in the product, and the functionality of the chemical in the formulation, as well as the unintended consequences of removal of a chemical from a product. With this proposed legislation lacking such consideration, the process would only add uncertainty for Vermont businesses and would force companies to comply with yet another state regulatory program among an already crowded patchwork of state laws.

Significant Cost to the State of Vermont

Vermont does not have the financial resources or technical expertise to undertake a wide-ranging authoritative chemical review and regulatory process. In fact, in 2013, the Maine Department of Environmental Protection opposed chemical regulation legislation that was vetoed by the Governor (LD 1181) advocating it would cost \$1.47 million over the next two years through additional staffing to implement. The legislation was vetoed by the Governor and would have required manufacturers of chemicals on the "high concern list" to report which products contain the chemicals.

Chemical Safety Improvement Act

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Instead of a state-by-state approach, we believe that our nation's federal chemicals management law must be updated to keep pace with scientific advancements and to ensure that chemical products are safe for intended use—while also encouraging innovation and protecting American jobs. In May 2013, the late U.S. Senator Frank Lautenberg (D-NJ) and David Vitter (R-LA) came together with a bipartisan group of Senators to introduce the Chemical Safety Improvement Act (CSIA) to reform the Toxic Substance Control Act. The CSIA is a sensible, balanced compromise that will promote safety, innovation, economic growth, and job creation – four essential goals that are important to all Americans.

On behalf of our members, we urge you to support economic growth in Vermont and oppose SB 239.

