

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Fish, Wildlife and Water Resources to which was  
3 referred Joint house Resolution J.R.H. 26. entitled “Joint resolution relating to  
4 the amendment of the federal Toxic Substances Control Act and its preemption  
5 provisions” respectfully reports that it has considered the same and  
6 recommends that the resolution be amended by striking out the resolution in its  
7 entirety and inserting in lieu thereof the following:

8 Joint resolution relating to the amendment of the federal Toxic Substances  
9 Control Act and its preemption provisions

10 Whereas, more than 84,000 chemicals are registered with the  
11 Environmental Protection Agency (EPA) for use in the United States, and each  
12 year approximately 1,000 chemicals are added to the list, and

13 Whereas, more than 90 percent of chemicals in commercial use have not  
14 been fully tested for potential impacts on human health or the  
15 environment, and

16 Whereas, since Congress’s passage in 1976 of the Toxic Substances Control  
17 Act, Pub.L. 94-469 (TSCA), approximately 200 chemicals have been fully  
18 tested since passage, just five chemicals have been banned or restricted, and no  
19 chemicals have been banned in more than 20 years, and

20 Whereas, biomonitoring studies show that a wide range of chemicals is  
21 bioaccumulating in the bodies of Vermonters, and

1        Whereas, scientific studies demonstrate clear links between certain  
2 chemicals and adverse health effects, and

3        Whereas, the threat of adverse health effects is especially high for certain  
4 vulnerable populations such as children or pregnant women, and for these  
5 groups, safe exposure levels are much lower, and

6        Whereas, annually, more than \$2 billion are spent on the medical costs  
7 associated with detecting cancer, asthma, and neurobehavioral disorders  
8 directly associated with toxic chemicals, and

9        Whereas, the recent discovery that the chemical perfluorooctanoic acid  
10 (PFOA) is contaminating drinking water sources in multiple Vermont  
11 locations illustrates the need for legal authority that more effectively regulates  
12 toxic chemicals, and

13        Whereas, the use of PFOA is not regulated and significant health risks to  
14 Vermonters exist as a result of pollution from factories closed more than a  
15 decade ago, and

16        Whereas, Vermonters and most other Americans continue to be exposed to  
17 PFOA and other perfluorinated chemicals from other sources, including  
18 through exposure from products containing the chemicals imported into the  
19 United States, and

20        Whereas, Congress is considering Toxic Substances Control Act (TSCA)  
21 reform in two pieces of pending legislation, S.697, The Frank R. Lautenberg

1 Chemical Safety for the 21st Century Act, and H.R. 2576, The TSCA  
2 Modernization Act of 2015, and

3 Whereas, there is broad consensus across industry, environmental, health,  
4 science, and government parties that comprehensive reform of the TSCA is  
5 necessary to help better ensure consistent, effective, and scientifically  
6 grounded regulation of chemicals, now therefore be it

7 Resolved by the Senate and House of Representatives:

8 That the General Assembly urges Congress to pass comprehensive TSCA  
9 reform legislation to strengthen and clarify the U.S. Environmental Protection  
10 Agency's (EPA) regulation of toxic chemicals, and be it further

11 Resolved: That the amended TSCA should include a safety standard that  
12 identifies and protects vulnerable populations, including potentially exposed  
13 workers, children, pregnant women, and those with compromised immune  
14 systems, and be it further

15 Resolved: That before new chemicals are introduced into commerce, the  
16 TSCA should be amended to include a requirement that industry include  
17 sufficient test data, when it submits premanufacture notices, in order that the  
18 EPA can determine if the chemicals meet the safety standard, and be it further

19 Resolved: That an amended TSCA provide clear timelines for starting and  
20 completing safety assessments on chemicals that are proposed for introduction

1 into commerce or already in use in commerce, and for withdrawing from  
2 commerce chemicals found to be unsafe, and be it further

3 Resolved: That the EPA’s current authority to require notice of potential  
4 new uses of perfluorinated chemicals and other chemicals of concern in  
5 products should not be altered or weakened in any way, and be it further

6 Resolved: That the EPA must receive the necessary financial resources and  
7 statutory mandate to initiate a reasonable number of reviews each year on  
8 existing chemicals of highest concern, including those already listed on the  
9 TSCA Work Plan for Chemical Assessment, and be it further

10 Resolved: That the states should not be preempted from taking action on a  
11 specific chemical until and only if the EPA has taken final action to regulate  
12 that chemical and that the scope of preemption should not be broader than the  
13 scope of the EPA’s action, and be it further

14 Resolved: That the Secretary of State be directed to send a copy of this  
15 resolution to EPA Administrator Gina McCarthy and the Vermont  
16 Congressional Delegation.

17  
18 (Committee vote: \_\_\_\_\_)

19 \_\_\_\_\_

20 Representative \_\_\_\_\_

21 FOR THE COMMITTEE