

State of Vermont

House of Representatives



Montpelier, Vermont

Joint House Resolution

J.R.H. 26

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

Offered by: Representatives Deen of Westminster, Beyor of Highgate, Bissonnette of Winooski, Browning of Arlington, Burke of Brattleboro, Corcoran of Bennington, Fields of Bennington, Jewett of Ripton, Krebs of South Hero, Lefebvre of Newark, McCullough of Williston, Miller of Shaftsbury, Morris of Bennington, Morrissey of Bennington, Mrowicki of Putney, Sheldon of Middlebury, Terenzini of Rutland Town, Webb of Shelburne, and Willhoit of St. Johnsbury

Whereas, more than 84,000 chemicals are in use in the United States, and each year more than 1,000 chemicals are added to the list, and

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

Whereas, on Congress's passage in 1976 of the Toxic Substances Control Act, Pub.L. 94-469 (TSCA), the law grandfathered 62,000 chemicals from regulation, only 200 chemicals have been fully tested since passage, just five chemicals have been banned or restricted, and no chemicals have been banned in 20 years, and

Whereas, biomonitoring studies demonstrate clear links between toxic chemicals and adverse health effects, and

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

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

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

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

Whereas, Congress is considering Toxic Substances Control Act (TSCA) reform in two pieces of pending legislation, S.697, The Frank R. Lautenberg Chemical Safety for the 21st Century Act, and H.R. 2576, The TSCA Modernization Act of 2015, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly urges Congress to pass comprehensive TSCA reform legislation to strengthen and clarify the U.S. Environmental Protection Agency's (EPA) regulation of toxic chemicals, including language that is stronger and more effective than proposed in either S.697 or H.R. 2576, and be it further

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

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

Resolved: That an amended TSCA provide clear timelines for starting and completing safety assessments on chemicals that are proposed for introduction into commerce or already in use in commerce, and for withdrawing from commerce chemicals found to be unsafe, and be it further

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

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

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