



Vermont Facility  
1000 River Road – B966  
Essex Junction, VT 05452

February 16th, 2018

**Re: Concerns with S.103 (An act relating to the regulation of Toxic substances and Hazardous materials) House Amendments**

Dear Representative,

GLOBALFOUNDRIES (GF) is the largest for-profit employer in Vermont, and accounts for roughly 69% of all Vermont exports. The majority of the semiconductor chips manufactured in GF's Essex Junction facility are incorporated into consumer products such as cell phones, tablets, televisions, routers, and GPS devices, sold here in Vermont and around the globe by our valued clients. GF components and the customer end products they go into are exempt from the scope of ACT 188. However we strongly feel that the House based modifications to S.103 eliminate some key scientific and health criteria and the decision making is no longer harmonized with other federal and global chemical management regulations for listing Chemicals of High Concern.

Some of the Key concerns with the proposed changes:

- **S.103 as currently written removes the requirement that the Department of Health consider the "weight of credible scientific evidence" and substitutes "independent, peer reviewed, scientific research" as the basis for adding a chemical to the Chemicals of Concern to Children list.**

Removing the requirement to use the weight of credible scientific evidence when regulating and restricting chemicals is a practice that is not consistent with other state and global chemical management regulations. International chemical regulations such as the EU Directive on the Registration, Evaluation, Authorization and Restriction of Chemicals (REACH) use weight of evidence to fulfil an information requirement. Similarly state programs such as California's Safer Consumer Products Regulations and Washington State's Safer Children's Products Act require a weight of evidence approach. At the Federal level, TSCA, the 2016 amendments now requires EPA to apply best available science and weight of the scientific evidence. This will make the Vermont's listing criteria not harmonized with other state, federal and global chemical management regulations.

Additionally our concern is that the proposed change unilaterally gives the Department of Health discretion to add any chemicals they see fit based on any independent peer-reviewed study rather than a considered evaluation of a range of evidence presented.

- **The proposed S.103 amendments would reduce the authority of the Working Group and solely authorize the Health Commissioner to ban or restrict products on his or her own authority, by eliminating the requirement to obtain recommendations from the Working Group.**

We believe that the changes proposed in S.103 place too much autonomy into the hands of the Health Commissioner. The Working Group was created from diverse areas of expertise intended to provide balance and a broader perspective in this important decision making process. The authority of the Working group should not be reduced.

- **Removal of the use of a risk based approach and the consideration of potential exposure to chemicals of high concern in products when regulating chemicals.**

Toxicity determination must consider clear identification of the chemical, the minimum concentration of the chemical which may create risk, and the types of exposures to humans which can cause harm. Additionally the exposure should focus on whether the chemical is in a form or substance that allows absorption by a human at or above the threshold level. The proposed amendment ignores consideration of these criteria and seeks an absolute ban on any detectable amount of the substances in all products. Regulation should be focused on actual risks rather than perceived risks.

Act 188 was developed and enacted following extensive discussion, debate, deliberation and compromise by legislators, regulators, non-governmental organizations (NGOs) and business interests. Act 188 should be allowed to work as intended, and should be fully implemented before significant changes are made to the law. It is premature to substantially change the law before it has even had an opportunity to provide the desired results.

Thank You

Ruma Kohli  
Product Stewardship Program Manager  
Global EHS and CSR  
ruma.kohli@globalfoundries.com  
Tel – 1-802-769-4269