

Date: March 28, 2018

To: The Honorable Rep. Ann Pugh, *Chair*
House Committee on Human Services
115 State Street
Montpelier, VT 05633

cc: Rep. Sandy Haas, *Vice Chair*
Rep. Francis McFaun, *Ranking Member*
Rep. Marianna Gamache
Rep. Brian Keefe
Rep. Michael Mrowicki
Rep. Daniel Noyes
Rep. Kelly Pajala
Rep. Carl Rosenquist
Rep. Joseph "Chip" Troiano
Rep. Theresa Wood, *Clerk*

From: Martin Wolf
Director, Sustainability & Authenticity
Seventh Generation, Inc.
Burlington, VT 05401

RE: Testimony in support of S.103 An act relating to the regulation of toxic substances and hazardous materials, as amended

Dear Rep. Pugh:

On behalf of Seventh Generation, thank you for this opportunity to testify *in support* of S.103 An act relating to the regulation of toxic substances and hazardous materials, as amended. I was informed that Sections 7 and 8 of S.103 are the focus of these hearings, and thus, following a brief introduction, my remarks will focus on those sections.

Seventh Generation is the nation's leading brand of household and personal care products designed to help protect human health and the environment. Established in 1988, our Burlington, Vermont based company employs over 140 people, distributing products to natural food retailers, supermarkets, mass merchants, and online retailers across the United States and Canada.

Among the products manufactured and sold by Seventh Generation are laundry detergents, dish detergents, hand soaps, recycled household paper products, baby diapers, baby wipes, and feminine hygiene products.

In October 2016, Seventh Generation was acquired by Unilever, a global manufacturer of consumer products dedicated to making sustainable living commonplace.

In presenting this testimony, I come before you as a senior employee of one of Vermont's successful, socially responsible businesses, as a chemist, which science I have studied and practiced most of my adult life, as a father, and as a citizen of the State of Vermont who values the health of our people, our State's natural beauty, and the delicate balance we are striving to achieve between maintaining that health, that beauty, and our economic vitality.

As noted in Vermont Act 188, Chapter 38a. Chemicals of High Concern to Children, § 1771, "It is the policy of the State of Vermont:

(1) to protect public health and the environment by reducing exposure of its citizens and vulnerable populations, such as children, to toxic chemicals, particularly when safer alternatives exist;"

To implement this policy, the State requires manufacturers of children's products to submit certain information about the presence of chemicals of high concern to children in those products, and that said information be made available on the Vermont Department of Health website (Act 188 Chapter 38a § 1775 Disclosure of Information on Chemicals of High Concern).

Regarding Sec. 7. 18 V.S.A. § 1775(b)

At the Chemicals of High Concern in Children's Products Rule Workshop convened January 22, 2018, much discussion concerned a lack of uniform description of

products by manufacturers, making searching of the chemicals of high concern database difficult. Embedding of Universal Product Codes (UPCs), use of abbreviations, duplicate or ambiguous names, and other practices were among the practices contributing to those difficulties.

The proposed revision of Section 7 18 V.S.A. § 1775(b) requires that any notice submitted under subsection (a) of the Act contain the following information:

(2) a description of the product or product component containing the chemical, including: the brand name, the product model, and the universal product code if the product has such a code;

This amendment addresses some of the problems identified without placing any additional burdens on companies doing business in Vermont.

Seventh Generation works with several online retailers to name products in a way that allows consumers to find our products using consumer-friendly search terms. Product naming conventions and guidelines used by e-commerce retailers require:

1. Use of a consistent naming STRUCTURE such as, Brand, Sub-brand/Key differentiator, Functional Name, Key Variant, Size, and Quantity.
2. Use of only standard letters and numbers as special characters and symbols often will not display, and
3. No use of abbreviations

For example, on the Amazon e-commerce website, Seventh Generation Baby Diapers are described as:

Seventh Generation Baby Diapers, Free and Clear for Sensitive Skin, with Animal Prints, Size 3, 155 Count

Increasingly, manufacturers offer their products for sale through e-commerce, and are familiar with this naming structure. They can use this same naming structure when submitting any notice under subsection (a) of the Act.

Regarding Sec. 8. 18 V.S.A. § 1776

It is proposed to amend Sec. 8. 18 V.S.A. § 1776 to read:

(b) Additional chemicals of concern to children. The Commissioner may by rule add additional chemicals to the list of chemicals of high concern to children, provided that the Commissioner of Health, on the basis of ~~the weight of credible~~ independent, peer-reviewed, scientific ~~evidence has~~ research, ~~determined~~ determines that a chemical proposed for addition to the list meets both of the following criteria in subdivisions (1) and (2) of this subsection:

Independent, peer-reviewed, scientific research should always be used as the basis for assessing the risk of harm from exposure to chemicals, and is necessary for sound legislation and regulation. A review of independent, peer-reviewed, scientific research may incorporate a Weight of Evidence (WoE) assessment, but legislation should not require such an assessment. Indeed, the term WoE is fraught, as described by Weed:

“Weight of evidence” (WOE) is a common term in the published scientific and policy-making literature, most often seen in the context of risk assessment (RA). Its definition, however, is unclear...Several problems are identified: the frequent lack of definition of the term “weight of evidence,” multiple uses of the term and a lack of consensus about its meaning, and the many different kinds of weights, both qualitative and quantitative, which can be used in RA.”¹

The proposed amendments correctly recognize the role of independent, peer-reviewed, scientific research as the basis for assessing the risk of harm from a chemical, and the loss of objectivity that may be introduced by an unspecified WoE requirement. The term “weight of evidence” is appropriately removed.

In Conclusion

S.103 as is being considered today, along with companion bills such as S. 197 an act relating to liability for toxic substance exposures or releases, exemplify Vermont’s commitment to protecting the health of its residents and the environment while building an infrastructure to support responsible local businesses.

¹ Weed, Douglas L, *Weight of Evidence: A Review of Concept and Methods*, Risk Analysis, Vol. 25, No. 6, 2005.

This legislation will save money. Childhood exposure to toxic chemicals costs the US \$76.6 billion, annually.² On a prorated per capita basis, this is a cost to Vermont of \$150 million per annum in medical expenses to treat childhood disease related to toxic chemical exposure.³ With an estimated 250 thousand households in Vermont, this is an estimated annual cost of \$600 per household.

Regulation of toxic chemicals protects responsible Vermont businesses.

Seventh Generation already excludes thousands of chemicals from its formulation pallet. We will not use, and there is no need for us to use, substances that are known, or likely to cause cancer, or substances known or likely to express reproductive toxicity, or substances known or likely to be persistent, bioaccumulating toxins.

By requiring the disclosure of these Chemicals of High Concern to Children in children's products, the Vermont legislature will protect the health of our children and protect our State's responsible businesses from manufacturers willing to trade safety for extra profit.

Lead, cadmium, and phthalates in children's toys are not quality assurance issues. They are the consequence of a value system that places pennies of profit over increased risk of harm to human health. This is a gross transfer of cost from businesses to the citizens of Vermont, and it should not be tolerated.

Regulation of toxic chemicals promotes innovation. Seventh Generation stands as proof that cost-effective products that not only meet consumer demands, but are increasingly demanded by consumers, can be formulated and manufactured without chemicals of high concern to children. Failure to pass this legislation would maintain the status quo. There would be no reason for companies to innovate to create safer products. Passing S.103 will help other companies to innovate as Seventh Generation does, and simultaneously reduce the risk of harm to our children.

In summary, this proposed legislation is scientifically and economically sound, and would protect Vermont children from exposure to toxic chemicals and associated diseases, save the health care costs to treat and manage those diseases, and protect

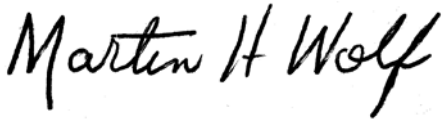
² Trasande L and Liu Y. Reducing the staggering costs of environmental disease in children, estimated at \$76.7 billion in 2008. *Health Affairs*, May 2011, 10.1377.

³ Divide \$76.7 billion by 323 million, the US population, and multiply by 625 thousand, the Vermont population. Population figures from www.census.gov.

responsible Vermont businesses from those businesses willing to trade greater profits for risk of harm to human and environmental health. This legislation would drive more competitive, innovative, and economically sustainable industries both within Vermont and beyond our borders.

Thank you for your attention to, and consideration of, these comments.

Respectfully submitted,

A handwritten signature in black ink that reads "Martin H Wolf". The signature is written in a cursive, slightly slanted style.

Martin Wolf
Director, Sustainability & Authenticity
Seventh Generation, Inc.