

**Date:** April 18, 2019

**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. Jessica Brumsted  
Rep. James Gregoire  
Rep. Logan Nicoll  
Rep. Daniel Noyes  
Rep. Kelly Pajala  
Rep. Marybeth Redmond  
Rep. Carl Rosenquist  
Rep. Theresa Wood, *Clerk*  
Julie Tucker, Committee Assistant

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

**RE:** Testimony in support of S.55 An act relating to the regulation of toxic substances and hazardous materials, as amended

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Dear Rep. Pugh:

On behalf of Seventh Generation, thank you for this opportunity to testify *in support* of S.55 An act relating to environmental health; toxic substances; chemicals of high concern to children

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 150 people, distributing products to natural food retailers, supermarkets, mass merchants, and online retailers across the United States and more than 20 other countries.

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).

### **Summary Points**

As a manufacturer of children's products Seventh Generation supports the above stated policy of the State of Vermont and supports the changes to Act 188 proposed

in S.55. Specifically, for the reasons explained in subsequent sections of this testimony, Seventh Generation supports:

- Empowering the Commissioner of Health to, by rule, add additional chemicals to the list of chemicals of high concern to children “on the basis of credible, peer-reviewed scientific information” demonstrating the additional chemicals meet the enumerated criteria (Sec. 4. 18 V.S.A. § 1776(b) )
- Empowering the Commissioner, after consultation with the Chemicals of High Concern to Children Working Group, to “adopt a rule to regulate the sale or distribution of a children’s product containing a chemical of high concern to children” on the basis of credible information regarding “the type or occurrence of exposures to the relevant chemical of high concern to children in the children’s product” (Sec. 4. 18 V.S.A. § 1776(d) )

#### **Regarding Sec. 4. 18 V.S.A. § 1776(b)**

It is proposed to amend Sec. 4. 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 credible, peer-reviewed scientific information, has determined that a chemical proposed for addition to the list meets both of the following criteria in subdivisions (1) and (2) of this subsection:

Credible, peer-reviewed, scientific information 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 credible, peer-reviewed, scientific information 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.”<sup>1</sup>

The proposed amendments correctly recognize the role of credible, peer-reviewed, scientific information 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. Thus, the term “weight of...evidence” is appropriately removed.

#### **Regarding Sec. 4. 18 V.S.A. § 1776(d)**

It is proposed to amend Sec. 4. 18 V.S.A. § 1776 to read:

(d) (1) The Commissioner, after consultation with the Chemicals of High Concern to Children Working Group, may adopt a rule to regulate the sale or distribution of a children’s product containing a chemical of high concern to children upon a determination that children may be exposed to a chemical of high concern to children in the children’s product;

Seventh Generation supports giving the Commissioner the authority, after consultation with the Chemicals of High Concern to Children Working Group, to adopt rules to regulate the sale or distribution of a children’s product containing a chemical of high concern to children. It is our view that the requirement that the Commissioner determine

- (A) the market presence of the children’s product in the State;
- (B) the type or occurrence of exposures to the relevant chemical of high concern to children in the children’s product;
- (C) the household and workplace presence of the children’s product or
- (D) the potential of exposure of children to the chemical of high concern to children in the children’s product

is sufficient to demonstrate a risk of harm (presence of a hazard and exposure to the hazard) exists.

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

## In Conclusion

S.55 as is being considered today, exemplifies Vermont's commitment to protecting the health of its residents and the environment while building an infrastructure to support responsible businesses.

**This legislation will save the citizens of Vermont money.** Childhood exposure to toxic chemicals costs the US \$76.6 billion, annually.<sup>2</sup> 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.<sup>3</sup> With an estimated 250 thousand households in Vermont, this is a prorated cost of \$600 per household.

### **Regulation of toxic chemicals protects responsible Vermont businesses.**

Seventh Generation and other responsible businesses already exclude thousands of chemicals from their formulation pallets. 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, and toxic.

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, phthalates, and other chemicals of concern 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. Indeed, companies like Seventh Generation

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<sup>2</sup> 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.

<sup>3</sup> Divide \$76.7 billion by 323 million, the US population, and multiply by 625 thousand, the Vermont population. Population figures from [www.census.gov](http://www.census.gov).

are growing at double-digit rates compared to conventional companies whose US growth is only 1-3%.

Failure to pass this legislation would maintain a status quo that harms the health of our children and the economic vitality of our responsible businesses. Without this legislation there would be no reason for companies to innovate to create safer products. Passing S.55 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 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, flowing style.

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