



**Testimony of  
Susanne Hartigan, Ph.D., Senior Director, American Chemistry Council  
to the Vermont Senate Committee on Health and Welfare  
In Opposition to S. 55 –  
An Act Relating to the Regulation of Toxic Substances and Hazardous Materials  
February 14, 2019**

## **Introduction**

The American Chemistry Council (ACC), an association of leading companies engaged in the business of chemistry, is pleased to provide comments on S. 55, an Act relating to the regulation of toxic substances and hazardous materials.

ACC member companies apply the science of chemistry to make chemicals used by a wide variety of industries and businesses to make innovative products, technologies, and services. ACC members are committed to continuously improving their environmental, health and safety performance – for our workers, our families, our customers and the public. In fact, commitment to implement industry’s voluntary health, safety and environmental performance initiative, Responsible Care®, is a condition of membership within ACC. ACC shares this Committee’s interest in promoting a healthy and safe environment for Vermont’s children.

I am an organic chemist by training and I have been working in the chemical regulatory area since 2002. In my current position as a Senior Director in ACC’s Regulatory and Technical Affairs Department, I work on issues related to health, product safety, and science policy that impact the business of chemistry. I am very familiar with the United States Environmental Protection Agency (EPA) regulatory framework for chemicals, as well as several state chemical regulatory programs.

I would like to address three key points for this Committee’s consideration as it reviews Section 4 of this legislation to amend Act 188 - Chemicals of High Concern to Children (CHCC), 18 V.S.A. § 1776. First, use of a weight-of-evidence approach to evaluation of chemicals is critical to the credibility of any chemical regulatory program. Second, requirements for consideration of exposure information must be retained. Third, regulation of chemicals by the Commissioner should continue to be based upon the recommendations of the CHCC Working Group.



**Maintaining the use of a weight-of-evidence approach to evaluation of chemicals is critical to the credibility of any chemical regulatory program.**

S. 55 proposes to authorize the Commissioner of Health to add chemicals to the CHCC list on the basis of “independent, peer-reviewed, scientific research,” replacing the requirement for use of “weight of credible scientific evidence.” The proposed language is not an acceptable replacement for using a weight-of-evidence approach to the evaluation of chemicals.

It is critical that the state of Vermont base their chemical regulatory decisions on scientific information that has been evaluated in a manner accounting for the quality and relevance of the information. Weight of scientific evidence does not simply address the number of positive and number of negative studies. Instead, it ensures that information from scientific studies and research should be given appropriate weight, based on the quality and relevance of the studies. This prevents development of regulations based on science that isn't robust or relevant, and allows for greater clarity and transparency in the regulatory process. For these reasons, modern chemical management laws such as the Toxic Substances Control Act (TSCA) rely on use of the weight of the scientific evidence to inform regulatory decision-making on chemicals.

Further, while peer review of scientific information is important, the fact that information has been peer reviewed is not sufficient to demonstrate its quality or relevance for regulatory purposes. Some studies published in the peer reviewed literature do not contain adequate information for risk assessment of chemicals, and the degree of robustness and scientific uncertainty can vary. Use of a weight-of-evidence approach helps decision makers look at the strengths and weaknesses of all types of studies that are available on a chemical, giving greatest weight to the highest quality and most relevant information, which therefore gives credibility to the decisions based on the information. If Vermont's decisions aren't scientifically credible, the expectation of public health benefits will be called into question.

**Section 4 requirements for consideration of exposure information must be retained.**

S. 55 changes the requirements regarding exposure to chemicals by striking the requirement (in Section 4(d)(1)(B)) that the Commissioner address the probability of exposure to a chemical of high concern to children prior to regulation of the chemical. It is important for any regulatory program addressing chemicals to put hazard information about a chemical into the context of relevant exposures to that chemical. Information about the degree and frequency of exposure to chemicals is critical to understanding whether or not the chemical actually poses a risk from its use in children's products which warrants regulation of the sale and distribution of that product in Vermont. Chemical regulatory programs must consider both relevant hazards and exposures,



otherwise the beneficial impact of the regulatory agency's decisions will be speculative at best and arguably ineffective at reaching the stated goals of protecting human health.

**Regulation of chemicals by the Commissioner should continue to be based upon the recommendation of the CHCC Working Group**

S. 55 removes the requirement for the Commissioner to act upon the recommendation of the CHCC Working Group in order to regulate the sale or distribution of a children's product containing a chemical of high concern to children. Obtaining the recommendation of the CHCC Working Group, a group which contains relevant stakeholders and members with technical and scientific backgrounds, should remain in order to inform the Department's decision making on the scientific and technical matters of chemical regulation.

**Conclusion**

Thank you for the opportunity to speak today. I hope this information has been helpful to your understanding of the importance of using science as the foundation of any chemicals regulatory program. ACC urges this committee to reject these amendments to Vermont's existing CHCC program, and instead maintain the existing law's provisions that ensure a scientific foundation in the program in order to provide benefit to the health of children.

