
To: House Committee on Human Services
From: Lauren Hierl, Executive Director of Vermont Conservation Voters
Re: Testimony in Support of S.25 to Protect Vermonters from Toxic Chemicals
Date: March 21, 2024

Thank you for the opportunity to testify today in strong support of S.25, a bill to protect Vermonters and our environment from harmful chemicals like PFAS.

My name is Lauren Hierl, and I'm the Executive Director of Vermont Conservation Voters. VCV is a statewide nonpartisan, nonprofit organization that advocates for strong environmental policies and educates voters using tools like our Environmental Scorecard.

One of our annual projects is the Environmental Common Agenda, which we provided to you all in January. We work with a range of environmental organizations - this year, 19 organizations participated - to identify our key legislative priorities each year.

S.25 was identified as a top priority for the environmental community this year.

Personally, I've worked on toxic chemical reforms for more than a decade, and I've had the honor to work on bills that the Vermont Legislature has enacted banning harmful chemicals like flame retardants, lead, mercury, phthalates, bisphenols, and PFAS from a range of products. I served on the committee formed by the legislature to respond to the discovery of PFAS-contaminated water in Bennington back in 2016.

That group recognized the critical need to address PFAS contamination and made a suite of recommendations that the state has been advancing over many years. Vermont has taken important steps to protect our residents from these harmful chemicals, but we have a lot of work still to do.

The federal Environmental Protection Agency recognizes that this class of thousands of chemicals cause a range of harms to human health, including cancer, and that there are virtually no safe levels of these chemicals in drinking water. Meanwhile, numerous communities' public drinking water supplies in Vermont continue to find PFAS chemicals. In January, a [VTDigger story](#) highlighted that there are multiple schools in Vermont that have been without potable drinking water for years because they are contaminated with PFAS chemicals.

These toxic chemicals cause problems up and down their supply chains. For example, just last year we saw the news that a train carrying toxic chemicals derailed in eastern

Ohio, igniting a fire that covered the town of East Palestine in smoke, and residents are still worried about long-term impacts to their families' health, and about the air, water, and soil in their community. They're going to be dealing with the impacts of this event for decades to come. This incident was another stark reminder that these chemicals can be harmful all along their lifecycle, from exposing workers and communities where they are produced, causing potential harm while being transported, causing potential exposure while the products are being used, and these chemicals can then contaminate our environment once the products are disposed of.

I'm on City Council here in Montpelier, and we are in the midst of wrestling with the fact that we are the last community in Vermont that takes leachate - the garbage juice created at the landfill that then needs to be disposed of. It has high levels of PFAS, which are coming into our wastewater treatment system, then polluting our river, and flowing into Lake Champlain - many Vermonters' drinking water. And while we know this is deeply problematic, it's been really hard to figure out a good solution, and it's just another example of the downstream issues created by these toxic chemicals.

We must turn off the tap of importing dangerous chemicals like PFAS into our state so we can prevent the harms they are causing up and down the supply chain -- from their production and use to their disposal.

Failure of Federal Government to Regulate Toxic Chemicals

The reason Vermont needs to be engaged in chemical regulations is that **we have a federal chemical regulatory system that is fundamentally broken.**

Federal inaction on regulating chemicals in cosmetics is well documented. Over its 80+-year history of regulating cosmetics, the FDA has only banned or restricted the use of 11 chemicals from cosmetics, which stands in stark contrast to the EU which has banned more than 1,800 chemicals linked to cancer, mutagenicity or reproductive harm.

The federal government lacks the authority to ensure that personal care products do not contain ingredients linked to harmful health outcomes like cancer, birth defects, and hormone disruption. This means states like Vermont must act to protect our residents.

The federal Modernization of Cosmetics Regulation Act of 2022 (MoCRA) was enacted in December of 2022, but it left the responsibility for banning or restricting chemicals of concern in cosmetics – like the chemicals in S.25 – to the states. And a number of states are moving forward with restricting harmful chemicals in cosmetics.

S.25 continues our long track record of stepping up to reduce Vermonters' unnecessary exposure to toxic chemicals in products we're importing into our state, and bringing into our homes, businesses, and schools. S.25 builds on policies already enacted or being advanced by other states. Further, major retailers like CVS and Target have implemented restrictions on many of the chemicals covered by this bill.

Toxic Chemicals Included in S.25

Regarding the chemicals proposed for regulation in this bill, other states and countries and major retailers have banned these chemicals in cosmetics and other products, and/or Vermont has already identified them as Chemicals of High Concern to Children. The next witness will also speak about adding some additional dangerous chemicals to S.25, and I was glad to hear Dr. Sarah Owen, our state toxicologist, indicate that there are other harmful chemicals that we should consider restricting in these products too.

It's important to ban chemicals like PFAS using a class-based approach. This is what the Vermont Legislature recognized when you unanimously enacted legislation in 2021 to ban the class of PFAS chemicals from food packaging, firefighting foam, ski wax, and residential carpets and rugs. We know the failures that come from banning chemicals one at a time - such as with BPA - which this body banned from certain products back in 2010. In its place, the industry started using chemicals like BPS that turned out to have similar negative health impacts. With thousands of PFAS chemicals, we'll never be able to stay on top of this public health threat one chemical at a time.

As someone who worked closely on the Chemicals of High Concern to Children law, that list of chemicals has gone through detailed scrutiny. Our list is closely aligned with lists of harmful chemicals maintained in other states, and our Department of Health has documented the potential harm these chemicals pose to our children.

For example, formaldehyde and formaldehyde-releasing agents are important to include in S.25. This chemical is a known carcinogen and skin irritant, it has been linked to leukemia and nose and throat cancer, as well as asthma and skin irritation, and it has been on Vermont's list of chemicals of high concern for many years. The Washington Department of Ecology released a report last year that found that chemicals known to release formaldehyde over time can in fact result in high levels of formaldehyde in these products. We should restrict this cancer-causing chemical from personal care products, and to restrict formaldehyde means you also need to restrict the suite of chemicals that release formaldehyde into these products.

The bill also bans a number of endocrine disruptors, including ortho-phthalates, parabens, PFAS and triclosan. Endocrine disruptors are chemicals that interfere with

our hormones, which control many biological processes like growth, fertility, and reproduction. One of the things that's alarming about endocrine disruptors is that they can harm our health in incredibly small amounts.

Regulating the chemicals included in S.25 will be particularly meaningful to Vermont's children because we know many of these chemicals are being used in personal care products like shampoos and children's clothing and other textiles they are exposed to. We also know that children are particularly vulnerable to the effects of toxic chemicals because of their small body sizes – so even very low levels of exposure can cause harm. Further, we know that certain products are specifically and aggressively marketed to Black, Indigenous and People of Color, such as hair straighteners and skin lighteners. Many of these have been found to contain high levels of toxic chemicals like formaldehyde.

S.25 targets chemical restrictions for important product categories which include some of the most significant routes of exposure and contamination. They are product categories where there's momentum to move away from PFAS and other harmful chemicals due to restrictions already enacted in other states, and because companies are already moving away from these dangerous chemicals.

For personal care products, we're talking about products that many of us use every day, things we wash our hair with, and rub and sprinkle on our skin. This bill builds on work to restrict harmful chemicals in personal care products in California, Maryland, Washington, and Oregon. This action around the country demonstrates the widespread recognition that we need safer personal care products, and that alternatives are available. Vermont has successfully enacted similar bans on toxic chemicals in products numerous times.

For menstrual products, your committee I hope will hear from an expert on these products, there was a great witness in the Senate from Women's Voices for the Earth, but we know from previous bans on toxic chemicals in consumer products that the market will respond to new regulations – and given the sensitive use and potential chemical exposure from these products, including them in this bill is an important step forward for women's health. Other states are actively considering PFAS bans for menstrual products.

On textiles, California already enacted a ban on PFAS in textiles, and we believe Vermont should adopt similar language. California drives national markets because its market share is so massive, and that bill's enactment clearly demonstrates that there will be safer and affordable alternatives available. We are hopeful that eventually

California's law will result in an industry-wide shift, but having a parallel law in Vermont will help ensure that our region doesn't become a dumping ground for toxic products.

On artificial turf, we support all steps to restrict PFAS chemicals in products imported into the state, including in these large plastic fields. Our children play on these fields, and we are increasingly seeing reports of unusually high levels of diseases among athletes who spend a lot of time on turf fields. We know that PFAS chemicals are incredibly persistent and mobile in the environment. So we would anticipate that PFAS would leach out of the fields and into our soil and water. And we know that these huge fields of PFAS-contaminated plastic then need to be disposed of, taking up limited landfill space, contributing to PFAS-contaminated leachate, and the chemicals will continue to create downstream problems.

As you undertake your work on S.25, I know you're considering rolling in S.197, which we support. Looking into a broader approach to regulating PFAS makes sense - *and* we shouldn't slow down on acting on bans in the interim that are already going into effect in other states, such as the product categories included in this bill.

I also wanted to note that in just the past year, additional PFAS bans in product categories not included in S.25 have been enacted, most notably in Minnesota. I support adding to S.25 a PFAS ban on additional product categories, including cookware, cleaning products, and children's products. Vermonters should be as protected from PFAS as possible, and again, if another state has banned it already, the industry is moving in that direction and alternatives are and will be available.

In conclusion, the federal government has failed to protect us from toxic chemicals. Meanwhile, chemicals like PFAS are harming Vermonters' health and contaminating our environment. Exposure to even very small amounts of these chemicals is linked to cancers and other diseases.

S.25 builds on what other countries, states, and companies are already doing, and continues us on the path of reducing these dangerous chemicals in our state where we will be dealing with the negative health and environmental ramifications for generations. We look forward to working with you to improve and advance this important bill, and stand ready to work with you and other stakeholders.

Thank you for your consideration.