
To: Senate Committee on Health & Welfare
From: Lauren Hierl, Executive Director of Vermont Conservation Voters
Re: Testimony in Support of S.25 to Protect Vermonters from Toxic Chemicals
Date: March 15, 2023

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 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.

Just yesterday, the federal Environmental Protection Agency released its first drinking water regulations for just six of the thousands of PFAS chemicals that exist, an important but initial step to protect people. EPA recognizes that these 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 have been found to contain PFAS chemicals, and just a few days ago we saw news of yet another Vermont community dealing with PFAS contaminated water, with Hinesburg finding PFAS in drinking water wells downstream of a closed landfill.

We all likely saw the recent 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 now rightly worried about long-term impacts to their families' health, and about the air, water, and soil in their community. They will be dealing with the impacts of this event for decades to come. This incident is 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, while the products are being used, and these chemicals can then contaminate our environment once the products are disposed of.

We must stop importing dangerous chemicals like PFAS into our state so we can prevent the harms they are causing up on 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 endocrine disruption. This means states like Vermont must act to protect our residents.

The federal Modernization of Cosmetics Regulation Act of 2022 (MoCRA) that was enacted in December of last year left the responsibility for banning or restricting chemicals of concern in cosmetics – like the chemicals in S.25 – to the states. And numerous 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.

It's important to ban chemicals like PFAS using a class-based approach. This is what the Vermont Legislature recognized when you all 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.

Formaldehyde and formaldehyde-releasing agents are important to include in S.25. This chemical is a known carcinogen and skin irritant, it has been identified as a cause of leukemia and nose and throat cancer, it is linked to asthma and skin irritation, and it has been on VT's list of chemicals of high concern for many years. The Washington Department of Ecology released a report recently 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.

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 lower levels of exposure can cause greater harm.

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, California and Maryland already enacted laws banning many of the chemicals included in S.25. The Washington State Assembly has passed a bill that includes some additional chemicals included on our list. Action has already begun in the Washington Senate. This state and corporate action demonstrates that alternatives are available, and Vermont has successfully enacted similar bans on toxic chemicals in products numerous times.

For menstrual products, your committee will hear from an expert on these products, 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 would be an important step forward for women's health.

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 that -once installed- could contaminate the soil and water. We know these PFAS chemicals are incredibly persistent and mobile in the environment. And we know that these huge fields of PFAS-contaminated plastic then need to be disposed of, and the chemicals will continue to create downstream problems.

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. This bill takes important steps to turn off the tap of importing additional PFAS and other harmful chemicals into our state. It's estimated that hundreds of millions of Americans have PFAS chemicals in their drinking water, and this week's announcement from the EPA shows that there is virtually no safe level of these chemicals in our drinking water. Exposure to even very small amounts of these chemicals is linked to cancers, immune system harm, and a range of other ailments.

S.25 builds on what other countries, states, and companies are already doing. This bill 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 move forward this important bill, and stand ready to work with you and other stakeholders.

Thank you for your consideration.