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2011 State Policy Victories Curb Toxic Chemicals While Congress Lags Behind

Safer Chemicals Policy Garnering Strong Bi-Partisan Support

2011 held many public health and environmental victories, including the passage of nine policies in seven states aimed at protecting the public from toxic chemicals. Despite well-funded opposition from the chemical industry, states passed legislation and four states took administrative action regulating dangerous chemicals including bisphenol A (BPA), cadmium, formaldehyde, and chlorinated tris in daily consumer products often given to children. A full list of the state policies is below.

Broad support was shown from both parties in favor of stronger protection of children's health and the environment from dangerous chemicals with 99% of Democrats and 86% of Republicans supporting these policies in 2011.

Representative Dana Dow, a Republican legislator from Maine and a leader on Maine's kid-safe product policy stated, "This is not Republican legislation or Democratic legislation; this is common sense legislation. This is about giving our children a healthy future and our businesses the security of selling safer products that can help lower health costs for everyone. Many of our federal chemical standards are outdated and ineffective. We have a moral and ethical responsibility to follow the best science and get unnecessary dangerous chemicals out of everyday products."

Meanwhile, Congress has yet to pass pending legislation to overhaul the 1976 Toxic Substances Control Act (TSCA). In April, Senator Frank Lautenberg introduced the [Safe Chemicals Act of 2011 \(S.847\)](#) which would increase chemical safety, protect vulnerable sub-populations such as pregnant women and children, and create incentives for new, safer chemicals. The bill would reform TSCA, which has proven ineffective in identifying and reducing the use of toxic chemicals. Scientific research links toxic chemical exposures in early life to some of the most serious public health threats of our time, such as breast and prostate cancer, infertility, and learning and developmental disabilities.

"Parents around the country are tired of worrying if every product they purchase could contain toxic chemicals harmful for their child," said Sarah Doll, National Director of [SAFER States](#). "Fortunately state governments across the country have recognized the need to replace harmful chemicals with safe alternatives. It's time for the federal government to step up and join the efforts of state leaders to protect public health. "

In total, 18 states have passed over 80 chemical safety laws in the last nine years by an overwhelming margin with broad bipartisan support. Last year, two national health-based coalitions, [SAFER States](#) and [Safer Chemicals, Healthy Families](#), released a report – [Healthy States: Protecting Families from Toxic Chemicals While Congress Lags Behind](#) demonstrating the overwhelming political support statewide for this issue. With federal action uncertain, state governments are expected to continue introducing and passing laws to curb toxic chemicals in 2012.

Highlights of 2011 State Progress:

- **California and Illinois** passed resolutions urging Congress to update TSCA. The state resolutions highlight important state and federal priorities.
- **Connecticut** was the first state in the nation to ban BPA in thermal receipt paper.
- **Delaware and Massachusetts** banned BPA in baby bottles and sippy cups.
- **Maine** strengthened the Kids Safe Products Act and banned BPA in baby bottles, sippy cups and reusable food and beverage containers. By January of 2012 Maine's Chemicals of Concern list will be updated and a list of up to seventy chemicals will be selected as Chemicals of High Concern based upon likely exposure to children or fetuses. In addition, future Priority Chemicals, which the State may take action to research or phase out, will be drawn from the Chemicals of High Concern list. The state will establish threshold reporting levels to indicate when manufacturers must disclose their use of Priority Chemicals in children's products. The BPA ban goes into effect January 2012.
- **Maryland** banned BPA in infant formula containers and cadmium in jewelry for children. The BPA law goes into effect in 2014, and adds to the 2010 ban on BPA in baby bottles and sippy cups. The state also restricted cadmium in jewelry for children under 13, joining other states including CA, CT, IL and MN. The new law takes effect on July 1, 2012.
- **Washington** became the first state to require manufacturers of children's products to report what toxic chemicals are present in their products. The rule targets chemicals linked to cancer, hormone disruption, and reproductive abnormalities in a wide range of children's products, including toys, clothes, and shampoos.
- **Massachusetts**, under the Toxics Use Reduction Act, determined formaldehyde and hexavalent chromium to be high-risk chemicals. Companies now have to report and carefully plan their use of these chemicals.
- **Minnesota** published a list of nine Priority Chemicals of High Concern that are found in the human body, the environment, household dust, water or children's products. The list includes three phthalates (BBP, DBP, DEHP); two halogenated flame retardants (deca and HBCD); as well as lead, cadmium, formaldehyde and BPA. This list is a subset of the list of 1,756 Chemicals of High Concern that are persistent, bio-accumulative and toxic that was published by MN in July 2010.
- **New York** was the first state in the nation to ban products for kids and babies containing the toxic tris flame retardant TCEP, a chemical linked to cancer. Also the New York State Interagency Committee on Procurement voted to approve policy requiring all state agencies to consider avoiding 85 toxic chemicals in products, services and technologies purchased by the state. These 85 chemicals include known and probable human carcinogens, persistent bio-accumulative toxins (PBTs), PBDE flame retardants, PFOA (teflon-related chemicals) and BPA. Finally, this year the New York State Department of Environmental Conservation began

enforcing a decades-old law requiring companies that manufacture household cleaning products to disclose their ingredients. This will be the first time in the U.S. that companies will be required to disclose a complete picture of chemicals used in cleaning products.

“Every year states around the nation will chip away at our federal chemicals policy until products on store shelves – especially those intended for children – are safe,” said Anne Hulick, registered nurse and coordinator with the Coalition for a Safe and Healthy Connecticut. “Mounting research on the health impacts of toxic chemicals, lack of Congressional action, and continued consumer concern will continue to move state governments to protect their citizens from harmful chemicals.”

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ATTN JOURNALISTS: Interviews are available with experts in each state. Please call Shayna Samuels at 718-541-4785 for a list of spokespeople.