

EXECUTIVE SUMMARY



Healthy States

Protecting Families from Toxic Chemicals While Congress Lags Behind

NOVEMBER 2010





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Voting against this bill is like voting against brakes on a school bus.

Bob Sump, Washington State Representative (R), House floor speech on final passage of the Children's Safe Products Act, February 18, 2008

This first-ever analysis of votes on state laws aimed at protecting the public from toxic chemicals found that 18 states have passed 71 chemical safety laws in the last eight years by an overwhelming, bipartisan margin. This trend resulted from state legislators and governors from both parties responding to growing scientific evidence of harm, strong public outcry, and the failure of Congress to fix the broken federal law that allows dangerous and untested chemicals to be used in everyday products and materials. The states achieved this progress despite relentless and well-funded opposition from the chemical industry.

States will continue to adopt their own chemical laws until Congress enacts a meaningful overhaul of the Toxic Substances Control Act of 1976 (TSCA). Yet chemical industry lobbyists opposed federal policy action, using their influence to block TSCA reform legislation introduced in both the House and the Senate in 2010.

Report Findings

- **Increasingly, the states have passed new laws to phase out chemicals that threaten children's health and restrict toxic chemicals in consumer products.** In the last eight years, both the number of state chemical laws and the number of states passing toxic chemical reforms have tripled.
- **State lawmakers passed tough laws on toxic chemicals with an overwhelming margin of support.** More than 8,000 (or 89%) of the more than 9,000 roll-call votes cast by state legislators favored tighter toxic chemical regulation, a margin of support greater than 8–1.
- **Tough state laws on toxic chemicals also received broad bipartisan support.** Of the votes cast, about 99% of Democrats and 73% of Republicans favored stronger protections of children's health and the environment from dangerous chemicals, with equal support from governors of each party.
- **State laws targeting specific chemicals and products that threaten children's health received the greatest attention and support.** Sixty-six laws banned bisphenol A (BPA) in baby and toddler products (with 98% support), phased out toxic flame retardants (PBDEs) in home products (93%), reduced children's exposure from common products containing lead (88%) and cadmium (86%), and promoted green cleaning (88%).
- **State legislators strongly supported recent state laws that create new programs for broad regulation of toxic chemicals.** Five comprehensive chemical policy reform laws passed in four states in the last three years—with the support of 84% of all votes cast, including a majority of Republicans (57%)—and were signed by governors from both parties in California, Maine, Minnesota, and Washington State.

- **The policy actions taken by the states advance many of the same chemical policy reforms proposed in Congress.** Both the new state chemical laws and proposed federal legislation (H.R. 5820 and S. 3209) require manufacturers to provide information on chemicals, mandate quick action on the most dangerous chemicals, and promote safer alternatives and greener chemistry.

Report Conclusions

- **Three factors are driving urgent state action on toxic chemicals—growing scientific evidence of harm, strong public outcry, and frustration with Congress’s failure to act.** A growing body of new scientific research links toxic chemical exposures in early life to some of the most serious public health threats of our time, such as increased risks of breast and prostate cancer, infertility, and learning and developmental disabilities. A recent poll conducted by The Mellman Group found that 78% of Americans are seriously concerned about the threat to children’s health from toxic chemicals in day-to-day life.¹ And yet, heeding the aggressive opposition of chemical industry lobbyists rather than the support of the American electorate, Congress failed to pass TSCA reform legislation three times in six years.
- **Until Congress enacts meaningful TSCA reform, more states will pass more laws to restrict specific toxic chemicals and broadly regulate chemicals in products.** Until Congress acts, the states will find it necessary to lead the way, reflecting the strong bipartisan consensus that protecting the public health can’t wait. Given recent trends, legislation to restrict toxic chemicals will likely be introduced in as many as 25 states during the upcoming legislative session.

Report Recommendations

- **The states should continue to pass state chemical legislation to protect their people’s health and to drive the chemical industry to accept meaningful reform.** State legislators can protect their residents and prompt Congress to act by

passing more state-level reforms. The chemical industry has expressed repeated frustration with the growing patchwork quilt of state laws and related decisions by product makers to stop using toxic chemicals. For this reason, more state legislative action will help drive Congressional leadership and eventual industry acceptance of broad federal reform.

- **The 112th Congress should make TSCA reform a top legislative priority.** The next Congress should recognize the urgent need and bipartisan support for fundamental federal reform. Effective state policy action cannot substitute for broad federal reform that protects the health of all Americans, directly regulates the chemical industry, and mobilizes federal expertise and resources to prevent chemical harm.
- **The chemical industry should support meaningful, commonsense federal reform.** Such significant reform will restore consumer confidence by providing Americans with the protection from toxic chemicals they demand. With strong federal policy leadership, state governments and businesses that use chemicals will find it less necessary to develop their own chemical restrictions; strong federal policy would also provide the chemical industry with greater regulatory certainty and market stability. Weak federal reform or continued Congressional inaction, however, will encourage continued state and business decisions to end the use of toxic chemicals.
- **Federal reform should continue to allow states to enact stronger protections when states determine they need such policies to protect their populations.** Federal legislation will lack credibility unless it protects the states’ ability to innovate through state regulation of chemicals, coordinated in partnership with the federal government.

By enacting substantial federal policy reform, Congress will protect the health of all Americans, and restore the confidence of consumers, state legislators, and businesses in the products of the chemical industry.

FIGURE 1

States Passed Toxic Chemical Laws with Strong Bipartisan Support

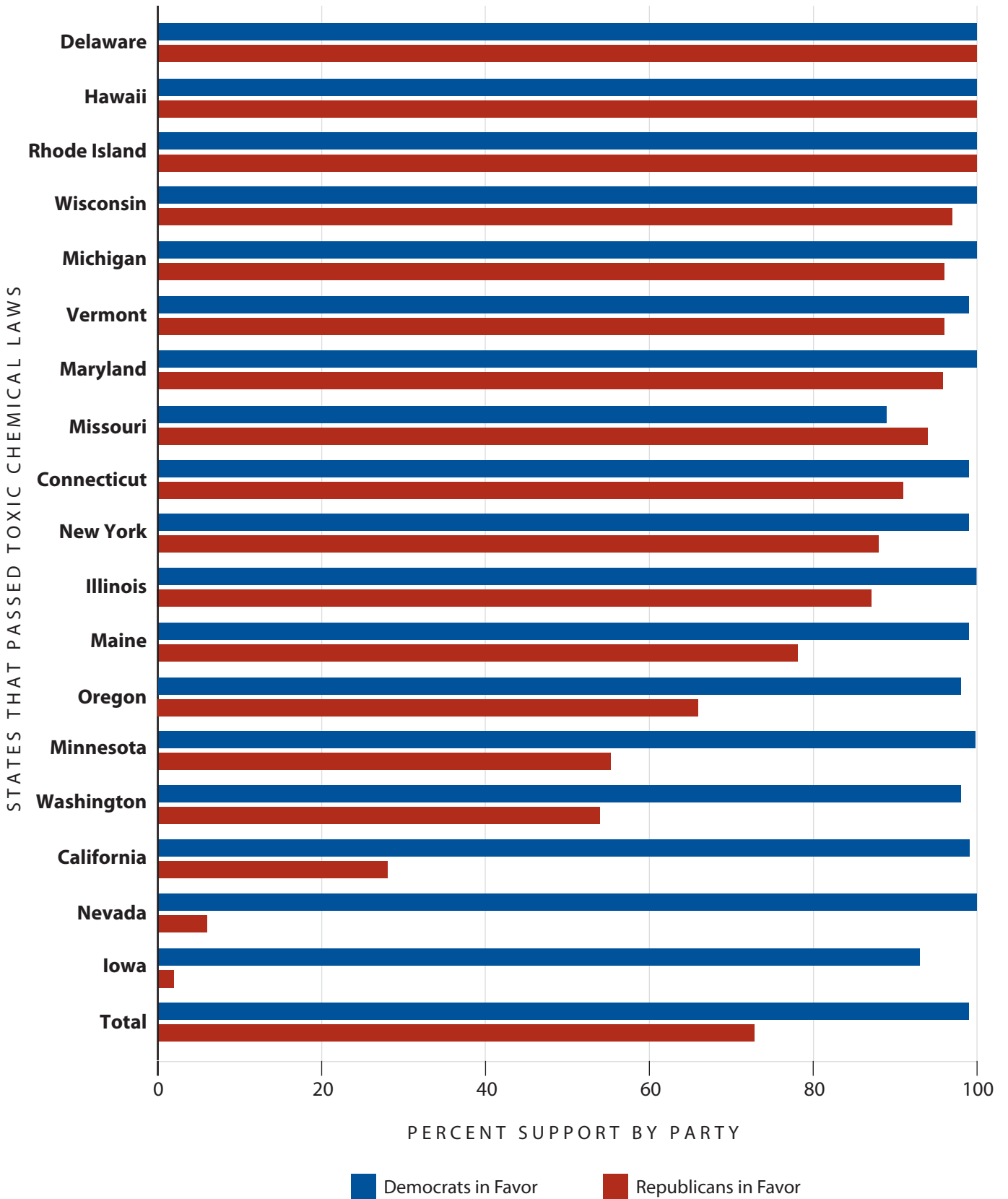


FIGURE 2

New State Laws Target Specific Chemicals and Products of Concern

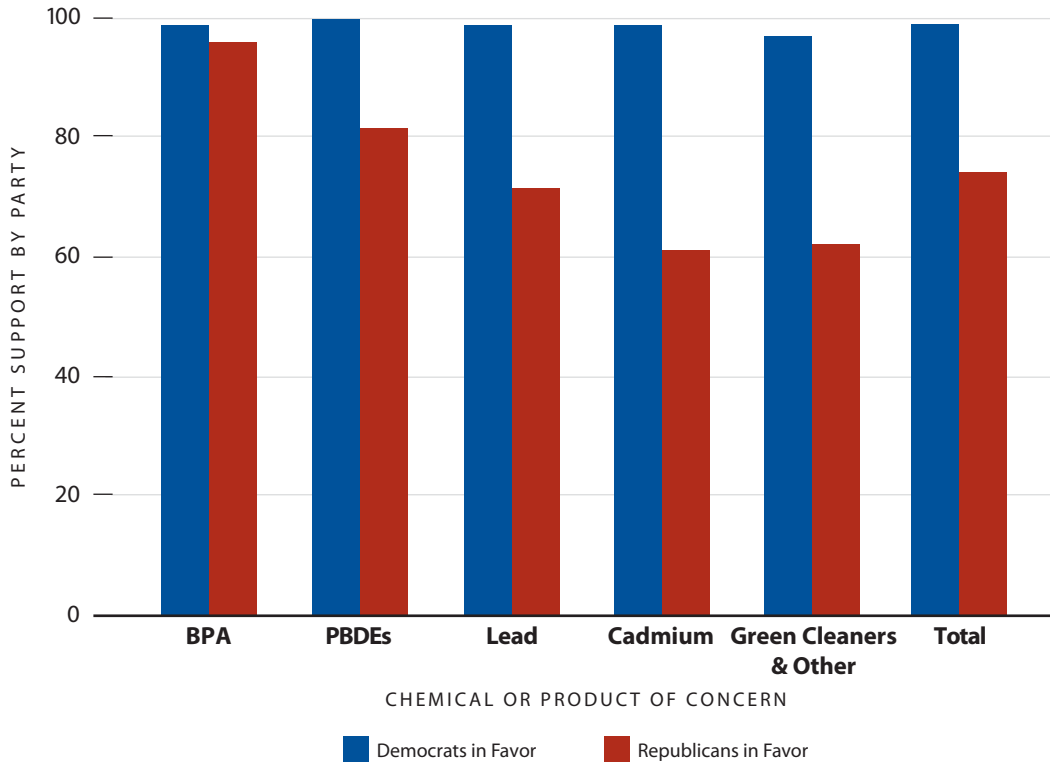
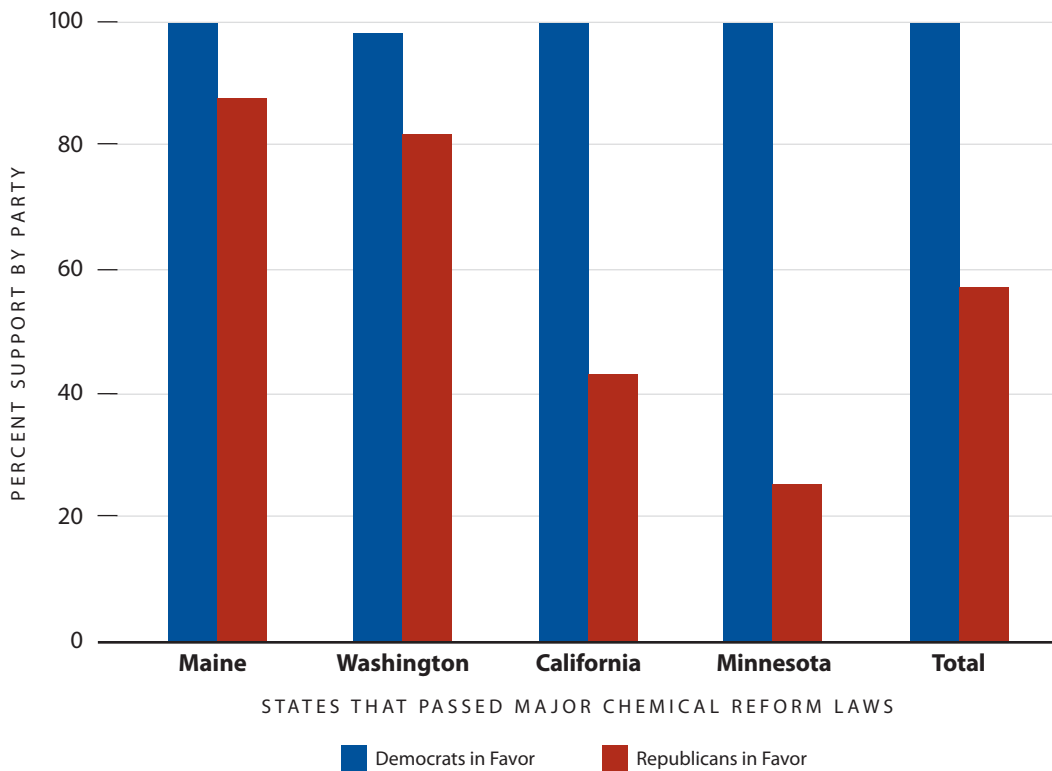


FIGURE 3

New State Laws Broadly Regulate Toxic Chemicals in Products



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Safer Chemicals, Healthy Families, Washington, DC
www.saferchemicals.org

The Safer Chemicals, Healthy Families coalition represents more than 11 million parents, health professionals, advocates for people with learning and developmental disabilities, reproductive health advocates, environmentalists, and businesses from across the nation who are united by our common concern about toxic chemicals in our homes, places of work, and products we use every day.



SAFER States, Portland, Oregon
www.saferstates.org

The State Alliance for Federal Reform (SAFER) of chemical policy, also known as SAFER States, is a coalition of states who are in the lead in championing solutions to protect public health and communities from toxic chemicals.