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March 12, 2014

The Honorable John Shimkus
Chairman
Environment and the Economy Subcommittee
House Energy and Commerce Committee
2151 Rayburn House Office Building
Washington, DC 20515

The Honorable Paul Tonko
Ranking Member
Environment and the Economy Subcommittee
House Energy and Commerce Committee
2322A Rayburn House Office Building
Washington, DC 20515

Dear Chairman Shimkus and Ranking Member Tonko,

On behalf of BizNGO, I am writing in opposition to the Chemicals in Commerce Act (CICA) discussion draft. The Business-NGO Working Group for Safer Chemicals & Sustainable Materials (BizNGO) is a unique collaboration of hundreds of businesses and environmental organizations who work together to promote the creation, adoption and use of safer chemicals and sustainable materials.

At BizNGO we know that chemicals of high concern to human health or the environment in products can pose a liability for companies that interface directly with consumers. Lost market share, diminished market value, and increased costs of doing business are real liabilities that chemicals of high concern in products and supply chains pose to American businesses. Global market demands as well as regulatory pressures all point in the direction of support for using inherently safer chemicals in products. While the intent of CICA is to support chemicals in commerce, its protection of chemicals of high concern on the market will weaken the competitiveness of American companies with consumers here and abroad, and take them further out of alignment with the global trajectory of regulation, which is to greater restrictions on chemicals of high concern. Thus BizNGO supports legislation that can effectively identify chemicals of concern, set regulations to restrict those chemicals of concern, and promote the development and use of safer alternatives. In its current form CICA will not achieve these ends. BizNGO seeks changes to the bill that will both enhance the competitiveness of American business and the safety and health of Americans and our environment.

BizNGO, therefore, respectfully urges the House Environment and Economy Subcommittee to address these key issues in the bill:

- Incorporate a clear safety standard into the bill.
- Retain the testing authority in TSCA to any chemical which “may present an unreasonable risk” or is or will be produced in substantial quantities and will have substantial or significant exposure or environmental release (Section 4).
- Strengthen rather than weaken the EPA's authority to review and restrict new chemicals (Section 5).
- Establish a clear pathway by which the EPA can restrict chemicals of high concern to human health or the environment (Section 6).
- Strengthen the protection against imports of unsafe chemicals and products (Section 13).
- Do not change the existing preemption language in TSCA as it is sufficient (section 17).

- Change the language for low priority chemicals to ensure that listings are based on comprehensive and adequate data and remove the language for state preemption based on low priority listing.

CICA must be significantly amended to strengthen rather than weaken TSCA. The competitiveness of American businesses and the demands of consumers point in a clear direction – use inherently safer chemicals to the fullest extent possible in products and supply chains. Our economy, health, and the environment will all benefit from strengthening, not weakening, TSCA. We appreciate the leadership of the House Environment and the Economy Subcommittee and urge your support in passing a truly comprehensive chemical reform policy.

Sincerely,



Mark S. Rossi, PhD
Chair, BizNGO

Cc: Rep. Fred Upton, Chair, House Energy and Commerce Committee
Rep. Henry Waxman, Ranking Member, House Energy and Commerce Committee

BizNGO Note on Government Policy Positions

Participants in BizNGO are all working towards the use of safer chemicals in commerce. Reflecting the diversity of participants in the Working Group, we have a diversity of perspectives on government, NGO and industry initiatives. While BizNGO strives for consensus on all of its policy positions and all participants agree on the government policy issues we address, we may not achieve consensus on the specifics of every BizNGO policy statement.