Maine Conservation Alliance

The United Voice for Maine's Environment

March 10, 2014

Dear Chairman Shimkus and Ranking Member Tonko,

On behalf of Maine Conservation Alliance, a statewide non-profit working to protect Maine's water, land, and human health, I am writing to express our opposition to the House Energy and Commerce Environment and the Economy Subcommittee Chemicals in Commerce Act (CICA). Our organization and your constituents are concerned that the discussion draft released last week does not deliver meaningful reform to the Toxic Substances Control Act of 1976 (TSCA) and does not adequately protect Americans from the worst toxic chemicals.

The "Chemicals in Commerce Act" discussion draft has the following flaws:

• **CICA would make it impossible for EPA (the Environmental Protection Agency) to ban or phase out the worst of the worst toxic chemicals on the market**. EPA would still not be able to ban or restrict asbestos under the proposed law, and would be even more unlikely to restrict existing chemicals than it is now.

• **CICA has a Grossly Inadequate Safety Standard**. The legislation's safety standard would place a heavy burden on EPA to find that a chemical such as asbestos is unsafe, rather than shifting the burden to chemical companies to show that the chemicals they manufacture are safe, and even adding a new hurdle to EPA action.

• **CICA Lacks Deadlines to Ensure Safety.** The discussion draft provides no deadlines or minimum requirements for identifying high-priority chemicals warranting action and no schedule for assessing and regulating such chemicals. When EPA does take action, the CICA blocks it from limiting releases of chemicals into the environment, a further rollback of existing law.

• **CICA has an Unworkable Standard of Court Review.** The CICA would retain the unworkable standard of court review found in TSCA, which ultimately prevented EPA from being able to ban asbestos in 1989 without reforming or redefining it.

• **CICA would Freeze State Efforts to Protect People from Chemicals.** The CICA contains far-reaching language that would paralyze states from being able to enforce existing laws or pass new ones to increase protections against harmful chemicals such as asbestos, including state information collection, reporting and warning requirements. This is especially chilling in Maine which has a strong toxics reduction law in place; the landmark Kids Safe Products Act. Passed In 2008, this was the first comprehensive safer chemical policy reform law in the United States. Under Kids Safe, a list of 1,700 Chemicals of High Concern was developed based upon each chemical's inherent hazards. From this list, priority chemicals are identified and evaluated, and could require safer alternatives. Kids Safe provided the framework that banned BPA in baby bottles, sippy cups and infant formula. This Maine law inspired similar chemical policy reform elements that have passed in four states. This law would be jeopardized with the passage of CICA.

As Congress works to reform TSCA, we urge you to address the concerns outlined above regarding the CICA's critical flaws. Thank you for your commitment to public health.

Sincerely,



Beth Ahearn

Cc: Blue Dog Coalition