



April 28, 2015

The Honorable James Inhofe, Chairman
U.S. Senate Committee on Environment and Public Works
205 Russell Senate Office Building
Washington, DC 20510

The Honorable Barbara Boxer, Ranking Member
U.S. Senate Committee on Environment and Public Works
112 Hart Senate Office Building
Washington, DC 20510

Reference: Safer States Opposition to S.697

Dear Chairman Inhofe and Ranking Member Boxer,

On behalf of Safer States, I write to you in opposition to the recently amended S. 697. While we appreciate the efforts that have been made by all who have participated in this negotiation, we regret that the new amendments in the legislation fall short of where the bill needs to be in order to be considered true reform.

Safer States is a collaborative campaign of states that have been working for over a decade to address toxic chemicals in people and our environment. We work together at the state level to reduce or eliminate exposures, especially for children and pregnant women. Our states have been on the front lines of this movement, and have learned much about what is needed to ensure a safe and healthy future for all Americans. This has led to bans of PBDE flame retardants, bisphenol A in children's products, lead and cadmium in children's toys, and phthalates in children's toys.

After a careful reading of the new amendments and the S. 697 substitute, we find that states' rights to continue protecting their own citizens from harmful chemicals will be violated, and they will face cumbersome bureaucracy and unreasonable burdens. Moreover, issues such as EPA's ability to address chemicals in products (which is the way in which most Americans encounter chemicals) and its ability to address Persistent, Bioaccumulative Toxicants (PBTs), often called the worst of the worst chemicals, have not been adequately addressed, leaving children, families and pregnant women unprotected from unnecessary chemical exposure.

The following provisions must be addressed in S. 697 in order for it to truly protect public health:

1. **The rights of states to protect their citizens and environment from harmful chemicals must be preserved.** Once the EPA has identified a chemical as a high priority and has identified the scope of its review, states would have no ability to act until EPA makes a final safety determination. And this could take nearly five years. We need to remove these preemptive handcuffs, and preserve states' authority. In addition, the new provision allowing for states to apply for a waiver to regulate chemicals should EPA fail to meet its deadline does little to help states that want to protect their residents from known chemical threats. This is a complicated process that many states with limited resources will likely avoid. States should not be preempted at all until the final effective date of EPA's final rule on a chemical. Finally, we appreciate the change to allow state co-enforcement although there are still some concerns with this provision.
2. **EPA must have the ability to address harmful chemicals in consumer products.** Consumer products are a significant source of exposure to chemicals for the public, and the bill should allow EPA to issue Significant New Use Rules in a streamlined way. A new provision added to this bill makes it even more complicated for EPA to address chemicals in products. This new provision should be removed.
3. **PBTs must be swiftly addressed.** We are grateful for the work that has been done to ensure that PBTs will be prioritized for EPA review. However, it is critical that in order to protect public health, EPA be given the authority to take expedited action on these chemicals. Limiting exposure to PBTs as soon as possible should be a top priority in this bill.

We appreciate the time and effort that has been made by everyone who has worked so hard to get the legislation to this point. We recognize that compromises must be made, and that the perfect should not be the enemy of the good. We also note, however, that substituting one flawed program for another will not protect children and families, nor will it stem the tide of increasing rates of diseases that are linked to toxic chemical exposure.

Safer States welcomes continued work and negotiation on these issues. We want nothing more than to celebrate TSCA reform with our colleagues and with you. However, we cannot support reform that will ultimately fail to protect our citizens.

Thank you for your attention to this matter. We stand ready to work with you in the coming weeks to ensure this bill can bring true reform to our broken chemicals management system.

Very truly yours,



Sarah Doll
National Director, Safer States