



September 30, 2015

The Honorable Mitch McConnell
Majority Leader, U.S. Senate
317 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Harry Reid
Minority Leader, U.S. Senate
522 Hart Senate Office Building
Washington, D.C. 20510

Dear Majority Leader McConnell and Minority Leader Reid:

We write to express our concerns with legislation pending before the United States Senate, the Frank R. Lautenberg Chemical Safety for the 21st Century Act (S. 697) because it would weaken safeguards against dangerous chemicals.

We are pleased that there is currently bipartisan and bicameral congressional interest in reforming the federal Toxic Substances Control Act (TSCA), the 1976 statute that governs the nation's chemical safety laws. We also appreciate changes adopted in the current version intended to address concerns a number of us, or our Attorneys General, identified in earlier versions of the legislation. We are compelled, however, to raise significant continued concern with a number of elements of S. 697 that would seriously impede protection for the American people against harmful chemicals. We urge the Senate to fix these problems prior to passage of any bill to reform TSCA.

Most importantly, we urge the Senate to recognize key state authorities, so that state governments can continue to play their important role alongside the federal government in protecting public health and safety, including the health of our children, as well as the environment. Specifically, the language in S. 697 should address the following issues:

- **Timing of Preemption.** The regulatory pause in S. 697 should be eliminated. State preemption should occur only upon implementation of an EPA final rule containing safeguards against toxic chemicals, including final compliance dates with such safeguards.
- **Waivers.** TSCA reform needs to retain language allowing for states to request a waiver from federal preemption and should include a deadline for EPA to act on a state waiver request.
- **Grandfathering.** The bill should clearly preserve existing state statutes, rules, regulations and other actions or requirements in place at the time of the bill's adoption, including authority to undertake future actions under existing laws and regulations.

Effective TSCA reform must allow the states to act to protect our citizens and economic vitality. Our states have taken prudent action to evaluate and limit the use of certain chemicals that have clearly posed a threat to human health and the environment. Even with the newly proposed TSCA

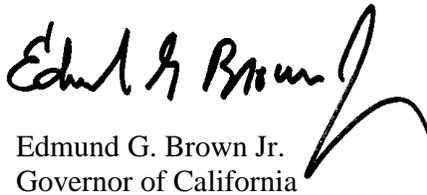
The Honorable Mitch McConnell
The Honorable Harry Reid
September 30, 2015
Page 2

authorities, limitations on the scope of U.S. Environmental Protection Agency (EPA) actions necessitates that states maintain the ability to act on their own in concert with EPA.

We are pleased by the Senate's interest in reforming TSCA but strongly recommend that these changes to state preemption be addressed before S. 697 advances. We understand that the U.S House of Representatives has also passed TSCA reform legislation and encourage both the House and Senate to work with the states in any forthcoming conference committee.

Thank you for your consideration of our request.

Sincerely,



Edmund G. Brown Jr.
Governor of California



Maggie Hassan
Governor of New Hampshire



Peter Shumlin
Governor of Vermont



Jay Inslee
Governor of Washington

cc: The Honorable James Inhofe, Chairman, U.S. Senate Environment & Public Works Committee
The Honorable Barbara Boxer, Ranking Member, U.S. Senate Environment & Public Works Committee
The Honorable Dianne Feinstein, United States Senator
The Honorable Jeanne Shaheen, United States Senator
The Honorable Kelly Ayotte, United States Senator
The Honorable Patrick Leahy, United States Senator
The Honorable Bernard Sanders, United States Senator
The Honorable Patty Murray, United States Senator
The Honorable Maria Cantwell, United States Senator