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FOR RELEASE:

January 26, 2012

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State Legislatures Tackle Toxic Chemicals To Protect Citizens

Lack Of Federal Reform Makes State Laws More Urgent

(Portland, OR) - In 2012, at least 28 state legislatures will consider legislation to address concerns over toxic chemicals in consumer products, according to a new analysis by Safer States, a national coalition of state-based environmental organizations. Bills to be introduced this year will cover a broad list of topics, including bans on toxic chlorinated Tris flame retardants and cadmium, and requirements that makers of consumer products publicly disclose chemicals in products.

“From bans on toxic flame retardants and formaldehyde to public right-to-know laws, state legislatures will be considering critical proposals to protect their citizens from toxic chemicals,” said Sarah Doll, national director of Safer States. “As evidence of harmful chemicals in products in our homes continues to mount and Congress fails to address the problem, states are filling the gap in protection.”

According to [Safer State’s analysis](#), this year’s legislative agendas include first-ever bans on chlorinated Tris flame retardants in at least four states; bans on Bisphenol A (BPA) in food packaging, children’s toys and receipt paper in at least 20 states; and classification of high-concern chemicals in at least 13 states. In addition, at least five states will consider bans on cadmium in children’s products and at least four states will consider policies to promote green cleaning in schools, a policy that has already passed in 2012 in Vermont.

“As a mother, I want to know that children and families are safe from toxic hazards,” said Senator Katherine Clark (D), Massachusetts state senator and mother of 3. “We can and must do a better job of protecting our children and the whole family from chemicals linked to cancer and other health effects. I look forward to working with my colleagues in Massachusetts and around the country to pass legislation that moves us towards a safer society.”

Since 2003, state legislatures have become leaders in protecting public health from toxic chemicals. Between 2003 and 2011, 18 states passed 81 chemical safety laws. The majority of these bills passed with healthy bipartisan support - 99% of Democratic legislators and 76% of Republican legislators voted in favor of the bills, and both Republican and Democratic governors signed them into law. In 2011 alone, a total of 36 states introduced toxic legislation and 11 policies passed in 8 states

“Giving kids a healthy future safe from toxic threats is not a partisan issue. Our federal chemical system is outdated and ineffective. State legislators have a responsibility to follow the best science and get unnecessary dangerous chemicals out of everyday products,” said Senator Mark Grisanti (R-Buffalo), New York State.

State legislators and health advocates point to the failed federal law, the Toxics Substances Control Act (TSCA), as the reason states have increasingly passed new laws on chemicals. TSCA is considered ineffective in protecting public health from chemicals, not even requiring basic health and safety data on chemicals before they are used in products. In Congress, Senator Frank Lautenberg (D-NJ) introduced the Safe Chemicals Act in 2011. The bill is supported by a coalition of over 300 groups, including American Nurses Association, the Autism Society and the American Sustainable Business Council. However, opposition from the American Chemistry Council in particular has so far succeeded in preventing passage.

“As long as the Federal government and those in industry continue to delay action in reforming our nation’s toxics laws to ensure the safety of chemicals used in everyday products, my colleagues and I will continue our efforts in state legislatures to protect our children’s health from dangerous chemicals,” said National Caucus of Environmental Legislators President, Maryland Delegate James W. Hubbard.

Highlights of state legislation in 2012 include:

- **Identification and Disclosure of Chemicals Harmful to Children:** At least 13 states, including Alaska, Connecticut, Florida, Illinois, Maryland, Massachusetts, Michigan, Minnesota, New York, New Jersey, Oregon, Vermont, and Washington will consider policies to identify and ultimately reduce exposures to chemicals of concern, including prioritizing chemicals for state action and requiring manufacturers of consumer products to disclose the chemicals in their products.
- **BPA Phase Outs:** At least 20 states will consider policy to restrict the use of the hormone-disrupting chemical Bisphenol A (BPA) in infant formula cans, other food packaging, children’s products, and receipt paper. Alaska, Alabama, Arizona, Connecticut, Colorado, Georgia, Hawaii, Illinois, Iowa, Kentucky, Massachusetts, Maine, New Hampshire, New York, North Carolina, New Jersey, Tennessee, Virginia, West Virginia and Wisconsin are all states considering such legislation.
- **Tris Flame Retardant Phase Outs:** At least four state legislatures will introduce policies to phase out the use of the flame retardant chlorinated Tris in children’s products. Chlorinated Tris is a flame retardant that was removed from children’s pajamas in the 1970s because of concerns over adverse health effects, including cancer, but has reappeared in other children’s products. Connecticut, Maryland, New York, and Washington are legislatures considering such a ban. In addition, Alaska, Michigan, New Jersey and New York legislatures will consider policies to reduce exposure to the flame retardant decaBDE.
- **Green Cleaning in Schools:** Earlier this month, Vermont passed policy requiring manufacturers to only sell environmentally preferable cleaning products to schools. Massachusetts, New Jersey, New York, and North Carolina are considering similar policy.
- **Cadmium Bans in Children’s Products:** At least 5 states will be introducing or have introduced policies to ban the use of cadmium in children’s products, including Hawaii, Maryland, Michigan, New York, and Tennessee. Cadmium is linked to cancer and other health effects.

- **Other policies:** Oregon has introduced policy to require the state to reduce toxics through its procurement process. New York is considering policy to restrict formaldehyde in beauty products. Massachusetts and Georgia are also considering policy to improve the safety of cosmetics. Other states have introduced individual chemical restrictions, such as lindane in Michigan and perchloroethylene in Vermont.

Safer States' entire analysis can be found at: <http://www.saferstates.com/2012/01/safer-states-2012-legislation.html>

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Safer States (The State Alliance for Federal Reform (SAFER) of chemical policy) is a coalition of state-based organizations championing solutions to protect public health and communities from toxic chemicals. www.saferstates.org, www.facebook.com/saferstates or @SaferStates