



February 24, 2011

The Honorable Thomas Middleton, Chair
Maryland Senate
Finance Committee
Annapolis, MD

RE: SB 637- OPPOSE

Dear Senator Middleton:

The American Chemistry Council (ACC) appreciates the opportunity to submit comments on SB 637, legislation that would create a costly, burdensome and duplicative chemical regulatory system in the state, and we respectfully must oppose this legislation.

The American Chemistry Council (ACC) is a national trade association representing chemicals and plastics manufacturers in the United States, including member companies in the state of Maryland. Our members are committed to the safety of their products and to the protection of public health.

ACC opposes this legislation for the primary reason that it is predicated on the assumption that there is inadequate protection for consumers and children in today's marketplace. The justification often used by environmental groups pushing for chemicals regulation at the state level is that the "current federal regulatory system for chemicals is broken" and therefore the states have to step in.

We want to emphasize that there is already an abundance of precaution factored into the 14 existing federal laws and regulations that currently govern consumer product safety and chemical use. Senate Bill 637 (HB 759) does not acknowledge the broad "safety net" of existing federal consumer protection and chemical regulation laws. One of the key federal chemical regulation laws that govern our industry is the Toxic Substances Control Act (TSCA). TSCA governs chemical substances that are in commerce across the US, and it imposes significant reporting, testing and regulatory requirements on the manufacture, import, processing, use and disposal of chemicals.

The statutory and regulatory foundation of the federal Toxic Substances Control Act (TSCA) is sound, but as with any law that has been on the books for almost 35 years, it needs to be updated to meet the technological and safety requirements of today. This is why our association actively supports, and is lobbying at the federal level, for TSCA reform.

TSCA was intended to be flexible enough to enable a variety of regulatory responses and address a variety of needs, including support for regulatory action under other statutes. ACC counts this flexibility as one of the key strengths of TSCA, particularly as science, technology and our ability to understand hazards, the mechanisms of chemicals, and exposures to chemicals have evolved. However, there is no question that TSCA can and should be reformed.

The Obama Administration, the U.S. EPA, and Congress are working toward this very goal. EPA Administrator Lisa Jackson recently announced the Administration's principles for modernizing TSCA and announced improvements for the following sections:

- ❖ Proposed amendments to TSCA Section 4 pertaining to the testing of chemicals
- ❖ Revisions to TSCA's Confidential Business Information (CBI) policies
- ❖ Revisions to TSCA Section 5's reporting requirements
- ❖ Published final clarifications for chemical identification for TSCA inventory purposes
- ❖ Enhancements to existing chemicals program through chemical action plans

Just a few weeks ago on February 3, 2011, the Subcommittee on Superfund, Toxics and Environmental Health of the U.S. Senate Committee on Environment and Public Works held a hearing on current science and public exposure to toxic chemicals and the need to develop legislation that would modernize TSCA.

The State of Maryland does not have the technical expertise or the financial resources to undertake an authoritative chemical regulatory review process. The piecemeal review of a few chemicals a year will not measurably enhance the safety of Marylanders. Yet, such an approach would create great uncertainty for businesses in Maryland that manufacture, process and use chemicals to make other valuable products and technologies that are sold in the state and across the country. Additionally, under this legislation, there is no baseline for what scientific information would be found acceptable on which to make decisions, nor does the legislation take a science and risk based approach to the regulation of chemicals.

The State should allow Congress to continue its reform of the Toxic Substances Control Act (TSCA) and allow the United States Environmental Protection Agency to continue work on implementing TSCA. These federal reforms would provide a sound national statutory and regulatory system that *all* businesses and manufacturers, including those in Maryland, can follow. Maryland Department of the Environment and Department of Health & Mental Hygiene should work with the U.S. EPA and take advantage of the federal agency's resources in addressing issues of importance to the state in terms of chemical regulation.

For these reasons, we respectfully ASK THAT YOU VOTE NO ON SB 637/ HB 759 and allow the federal government to lead the way on this national-level issue.

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