

RIFKIN, LIVINGSTON, LEVITAN & SILVER, LLC

BILL NUMBER: SB 637
TITLE: Healthy Kids, Healthy Maryland - Toxic Chemical Identification and Reduction
COMMITTEE: Finance
DATE: February 24, 2011
BY: Patrick H. Roddy
FOR: Grocery Manufacturers of America
POSITION: OPPOSE

Mr. Chairman, Members of the Committee, my name is Patrick Roddy and I am here today representing the Grocery Manufacturers Association ("GMA") on Senate Bill 637.

Although GMA supports chemical policy reforms at the Federal level, considering the State level framework proposed in Senate Bill 637 now would just introduce a patchwork quilt of chemical regulation that would be inconsistent with one another.

GMA continues to support Green Chemistry principles in a way that is consistent with our positions in the past. The process must be scientifically based to identify, prioritize and evaluate chemicals of potential concern. GMA supports the general principles behind the green chemistry initiatives if those programs include a risk-based prioritization to identify chemicals of the highest concern- exposure, use, hazard data relative to the U.S. population and a "weight of evidence" approach to chemical prioritization that evaluates authoritative information on hazard traits and considers the most severe hazards first.

That framework for green chemistry initiatives must be consistent and broad based. Unfortunately, Senate Bill 637 perpetuates a recent development in this area that is troubling to GMA. If enacted, Maryland would be the fifth state to enact an individual green chemistry initiative on its own. Currently, California, Minnesota, Maine and Washington - all have enacted statutes which, although similar, are different in many critical respects.

To date, none of the other states have any regulatory structure up and running. Although GMA believes in a frame work for rigorous analysis of chemicals contained in consumer products, it does not believe in a patchwork. We believe that if Maryland became the fifth state to operate an independent chemical initiative, it would be a mistake and would, in fact, set back the national effort to have rigorous scientific analysis done of these chemicals that are in our environment and in our products.

For those reasons, we oppose Maryland going out on its own with Senate Bill 637. We do agree that Senate Bill 637 is much preferable to individual bans on chemicals which have been the subject of bills before this legislature and this committee. Those bans often come with no rigorous scientific analysis and no reliance on authoritative scientific sources. Senate Bill 637 at least acknowledges that authoritative scientific analysis should be used as the basis for any regulatory action. We would support that; however,

we would want that to be in a national frame work which would also include a rigorous three-step process which:

- (1) Identifies high hazard substances;
- (2) Performs exposure analysis to determine which one of those high hazard substances have a proclivity for exposure to individuals; and
- (3) Identifies which uses could be linked to the exposure that the exposure analysis revealed.

In conclusion, the thought behind Senate Bill 637 is correct. However, individual states adopting their own framework for national products is not good public policy and should not be endorsed by this legislature. Senate Bill 637 will not help the United States create a framework for Green Chemistry, but could hinder that effort. It will make more likely duplication, and inefficiencies by creating more of a patchwork than already exists.

Based in Washington, D.C., the GMA is the voice of more than 300 leading food, beverage and consumer product companies that sustain and enhance the quality of life for hundreds of millions of people in the United States and around the globe.

Founded in 1908, GMA is an active, vocal advocate for its member companies and a trusted source of information about the industry and the products consumers rely on and enjoy every day. The association and its member companies are committed to meeting the needs of consumers through product innovation, responsible business practices and effective public policy solutions developed through a genuine partnership with policymakers and other stakeholders.

In keeping with its founding principles, GMA helps its members produce safe products through a strong and ongoing commitment to scientific research, testing and evaluation and to providing consumers with the products, tools and information they need to achieve a healthy diet and an active lifestyle.

The food, beverage and consumer packaged goods industry in the United States generates sales of \$2.1 trillion annually, employs 14 million workers and contributes \$1 trillion in added value to the economy every year.

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