



Association
of Washington
Business

Courtney Barnes, Association of
Washington Business
Johnson & Johnson



Toy Industry Association, Inc.



Oppose SB 6120 - Banning TRIS and Mandating Alternatives Assessments

- **Product safety and the use of safe alternatives are top priorities for each of our industries.** We continue to support rational, scientific, and effective risk-based approaches to chemical management and assessments that foster the safe use of materials and chemicals in products. A unified solution should be achieved at the federal level.
- **The bill will regulate products and processes currently regulated by other state and Federal agencies** including the Food and Drug Administration, the Consumer Product Safety Commission, and the Environmental Protection Agency, possibly leading to contradictory requirements that manufacturers and other businesses will find difficult to meet.
- **It is premature to expand the CSPA statute and supersede the rule before it is implemented and Ecology has received any data from the regulated community.** Ecology will better understand the degree to which these chemicals are used in children's products, understand the level of potential exposure, if any, to consumers and then be in a better position to determine whether further scientific investigation is necessary.
- **The alternatives assessments requirements are vague, impractical, and create uncertainty.** As drafted, the bill requires an assessment of chemicals of high concern for children and their alternatives using "credible scientific evidence." This term is undefined and creates uncertainty as to who will make a determination of what constitutes credible science or whether an alternatives assessments has been completed using credible science.
- **The bill penalizes entrepreneurship and innovation by permitting the dissemination of confidential business information.** The bill directs Ecology to provide technical assistance to any manufacturer required to conduct an alternatives assessment. This technical assistance includes providing other companies' alternatives assessments to those seeking assistance. The exchange of competitively sensitive information between and among market competitors could expose industry participants to liability under applicable federal antitrust laws.
- **Ecology significantly underestimates the number of assessments it will receive and has not allocated the revenue to pay for technical assistance for such an expansive program.** The fiscal note assumes Ecology will receive 25 alternatives assessments for the four chemicals identified in the bill (formaldehyde, TRIS, antimony and BPA). At six assessments per chemical, 6 x 60 chemicals will require 360 assessments. Last year, Ecology estimated requiring two assessments per biennium so the program could last for 60 years. Ecology assumes that the evaluation and determination whether there are safer alternatives will require significant staff resources. The bill requires Ecology to provide technical assistance, which was estimated in last year's bill to cost \$400,000 for only two assessments.

Given the parameters of the existing rules and the expansion proposed in SB 6120, Ecology could receive an unknown number of assessments. The list of chemicals may be expanded at any time, so the true number cannot be known.

For more information, contact **Courtney Barnes** with the Association of Washington Business at courtneyb@awb.org or 360-943-1600.

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GREENBERG MARK

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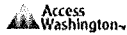
GREEN9600@COMCAST.NET

Year First Employed as a Lobbyist: 1979

Lobbies For	Employer/Firm Category	Start Date	End Date
AMERICAN CHEMISTRY COUNCIL	MANUFACTURING	1/12/2011	

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Lobbyist Monthly Expense Report
 (As required by Chapter 397, 1855 Session Laws)

1. Lobbyist Name: **Mark Greenberg**
 Mailing Address: **2205 East Bay Drive**
 City: **Olympia** State: **WA** Zip + 4: **98506-3222** New Address? Yes No

2. This report is for the period: **March 2012** This report covers or amends the report for: (Month) (Year) Business Telephone: **(360) 786-9600**

ALL COMPLETE THIS PART | **COMPLETE IF YOU HAVE MORE THAN ONE EMPLOYER**

Include all reportable expenditures by lobbyist and lobbyist's employer for or on behalf of the lobbyist incurred during the reporting period.

Expense Category	TOTAL AMOUNT THIS MONTH At employer plus own expense (Columns a + b + c + d and attached pages)	Amount paid from lobbyist's own funds, and returned or attributed to an employer. Column A	Amount attributed to each employer		
			Employer No. 1 Column B	Employer No. ... Column C	Employer No. ... Column D
3. COMPENSATION earned from employer for lobbying the period (salary, wages, retainer)	\$		\$ 3,125.00	\$	\$
4. PERSONAL EXPENSES for travel, food and refreshments	\$	\$			
5. ENTERTAINMENT, GRATUITIES, TRAVEL, SEMINARS for state officials, employees, their families (See #15)					
6. CONTRIBUTIONS to elected officials, candidates and political committees (See #16)					
7. ADVERTISING, PRINTING, INFORMATIONAL LITERATURE					
8. POLITICAL ADS, PUBLIC RELATIONS, POLLING, TELEMARKETING, ETC (See #17)					
9. OTHER EXPENSES AND SERVICES (See #18)					
10. TOTAL COMPENSATION AND EXPENSES INCURRED THIS MONTH	\$	\$	\$ 3,125.00	\$	\$

11. EMPLOYERS' NAMES: No. 1 (S) American Chemistry Council
 No. (C)
 No. (D)

12. Subject matter of proposed legislation or other legislative activity of Federal Ag the lobbyist was supporting or opposing

Mark makes this amount each month lobbying only for ACC in WA.



January 17, 2012

The Honorable Sharon Nelson
218 John L. O'Brien Building
PO Box 40434
Olympia, WA 98504-0434

RE: SB 6120 – OPPOSE

Dear Senator Nelson:

The American Chemistry Council (ACC) must respectfully oppose as drafted SB 6120, legislation that would expand the Department of Ecology's (Ecology) existing authority under the Children's Safe Products Act (CSPA). By way of background, ACC represents more than 140 leading companies, including nearly 6,000 chemistry industry employees in Washington State. Our products are the foundation of virtually every industry, from medicines, fabrics, plastics, clean drinking water, cell phones and aircraft to name just a few.

The safety of children's products is of the utmost importance, and addressing the potential risks faced by children from possible exposure to chemicals is an important objective that ACC shares with the proponents of this legislation. It is for this reason that we have been active in working with Ecology and others on the development of the CSPA implementing regulations. As you know, current law requires Ecology to establish a list of high priority chemicals that are of high concern for children. Subsequently, manufacturers of children's products are then required to notify Ecology when these chemicals are present in any of their products. Under the adopted rule, **the first reports are not due to Ecology until August, 2012.**

As drafted, the legislation is problematic on several fronts but most notably we believe it is **premature to expand the CSPA statute and supersede the rule before it is implemented and Ecology has received any data from the regulated community.** ACC believes that Ecology should first implement its statutory obligations under the CSPA and gain valuable experience for how the law is working (or isn't working) before any new statutory changes are proposed. In doing so, Ecology will better understand the degree to which these chemicals are used in children's products, understand the level of potential exposure, if any, to consumers and then be in a better informed position to determine whether further scientific investigation is necessary. Such information can better help Ecology prioritize any further research work it feels it may need to undertake, including an exploration of alternatives assessments.

At this time, no one (including Ecology) knows who is going to report under the rule, what they will report, how they will report, or how the information will be interpreted or disseminated.

Furthermore, the proposed legislation seems to circumvent any "science-based" analysis as it cherry-picks individual chemicals that would be subject to an outright prohibition and/or be required to conduct a complex and costly "alternatives assessment." The legislation provides no scientific basis or insight into why these individual chemicals are included. Even Ecology acknowledges on their website that "the mere presence of these chemicals in children's products does not necessarily indicate that there is a risk of harm."

ACC and its members are committed to working with Ecology to ensure that the CSPA is implemented efficiently and effectively. To that end, we believe that the current CSPA rules should be fully implemented before sweeping statutory changes such as this bill are proposed. For these reasons, we urge you to hold this bill in committee.



I thank you in advance for considering our views. If you or your staff has any questions or comments, please contact me at 916-448-2581 or via email at tim_shestek@americanchemistry.com. You may also wish to contact our Washington State-based representative Mark Greenberg at 360-786-9600 or via email at green9600@comcast.net.

Sincerely,

A handwritten signature in black ink, appearing to read "Ti Sh", with a long horizontal flourish extending to the right.

Tim Shestek
Senior Director, State Affairs

cc: Members, Senate Environment Committee



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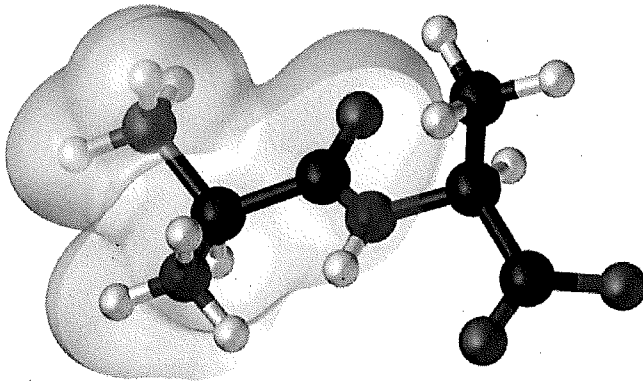
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Bills would ban chemical before DOE report is even written

January 17, 2012
By [Jeff Rhodes](#)



A bill being debated in the Washington Legislature would ban a fire-retardant chemical use to treat children's clothing and other products because it could cause cancer if used in large enough concentrations.

Washington lawmakers heard an impassioned debate on Tuesday over whether the state needs to ban a suspected carcinogen being used as a flame retardant in children's products before the state's own Department of Ecology has assessed the level of danger.

Rep. Mary Lou Dickerson (D-Seattle) and Sen. Sharon Nelson (D-Seattle) have introduced companion bills that would also prevent manufacturers from replacing the suspect chemical, chlorinated Tris, with other chemicals that could pose health risks to children.

"As a mom as well as a legislator, we can't continue to allow these products to be in our kids bedding" and other products, Nelson said.

She and Dickerson pointed to a recent study by the Washington Toxics Coalition that found 16 of 20 baby and children's products tested — including car seats, changing pads and bassinets — contained large amounts of chlorinated Tris.

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If approved, the measures would ban the use of chlorinated Tris in children's products in amounts exceeding 50 parts per million.

Chlorinated Tris was used in children's pajamas in the 1970s but was voluntarily taken off the market by the industry after it was suspected of causing cancer. It is used today primarily as a fire retardant in polyurethane foam, a highly flammable but cost-effective component of many children's products.

The Washington State Department of Ecology is due to release a report in August on the dangers of the substance. The department's director, however, doesn't believe the Legislature should wait for that report before acting.

"The way we approach these issues is fundamentally wrong," Ted Sturdevant told the House Ecology Committee. "For too long we've erred on the side of commerce rather than safety. In the whole debate over this substance, the fundamental question of whether there's a safer alternative hasn't even been addressed."

"We're very concerned," added Mike Brown of the Washington State Fire Chiefs Association, which supports the bill. "We're convinced the safety of our children outweighs any considerations of whether there's a safer alternative."

"I'm reminded of the expression about putting the cart before the horse," countered Mark Greenberg, spokesman for the American Chemistry Council. "Except in this case, the horse hasn't even been born yet."

Until the Department of Ecology report is completed in August, "We don't have any idea the concentrations of these chemicals or how dangerous they are to humans," he said. "This bill is simply premature."

Courtney Barnes, representing the Association of Washington Business, agreed. She noted the bills actually banned two chemicals, one of which isn't even on the state's list of high-priority substances.

"We don't see the need to ban a substance that may or may not be harmful," Barnes said. "The DOE is releasing bavolasan.com its report in August. Until it does, we have no idea what that report will say."

In July, California's Environmental Protection Agency added chlorinated Tris to that state's list of known carcinogens, citing two-year studies showing "statistically significant increases in the incidence of benign and malignant tumors" in both male and female lab rats exposed to the chemical.

Companies found to be using chlorinated Tris in their baby and children products include Toys R Us, Graco, Britax and Summer Infant.

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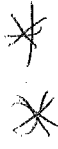
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Local News

Originally published Friday, February 10, 2012 at 10:39 PM

WA Senate OKs weakened flame retardant bill

The Washington state Senate passed a bill Friday to ban one potentially cancer-causing flame retardant from kids' products but not another that is more widely used.

By JONATHAN KAMINSKY

Associated Press

OLYMPIA, Wash. —

The Washington state Senate passed a bill Friday to ban one potentially cancer-causing flame retardant from kids' products but not another that is more widely used.

In its original form, the bill would have banned chlorinated Tris, a flame retardant used in children's pajamas in the 1970s but voluntarily taken off the market by manufacturers over health concerns. It has since returned to use, primarily as a fire retardant in polyurethane foam, a highly flammable but cost-effective component of many children's products.

An amendment that cleared the Senate Ways and Means Committee on Tuesday removed the chlorinated Tris ban from the bill. It also did away with a requirement that makers of children's products containing potentially hazardous chemicals including Tris chemicals, formaldehyde and bisphenol A identify safer chemicals or materials for use.

The bill now consists of a ban on TCEP, a form of Tris the chemical industry says hasn't been used in the U.S. for years. The amendment to the bill was championed by Citizens for Fire Safety, an entity promoting the chemical industry's interests. It was also supported by the American Chemistry Council.

Messages left with both organizations Friday evening were not returned.

The three Democratic senators voting with all eight Republicans to amend the bill were Brian Hatfield of Raymond, Rodney Tom of Bellevue and Nick Harper of Everett. Tom and Harper were co-sponsors of the original bill.

"Having kids not catch on fire is a good thing," said Hatfield, who introduced the amendment.

Ivy Sager-Rosenthal, campaign director for the Washington Toxics Coalition, said that some makers of children's products comply with federal and California flame-retardant standards without the use of potentially carcinogenic chemicals.

"We are disappointed," said Sager-Rosenthal, who advocated for the measure's passage. "Under this bill, kids will still be exposed to chlorinated Tris."

A recent study by the Washington Toxics Coalition found that 16 of 20 baby and children's products tested - including car seats, changing pads and bassinets - contained large amounts of chlorinated Tris.

American Chemistry Council spokesman Bryan Goodman said last month that banning chlorinated Tris would be premature given that Washington state's Department of Ecology has yet to weigh in on its safety.

Last July, California's Environmental Protection Agency added chlorinated Tris to that state's list of known carcinogens, citing multiple two-year studies showing "statistically significant increases in the incidence of benign and malignant tumors" in both male and female lab rats exposed to the chemical.

Companies found to be using chlorinated Tris in their baby and children products include Toys R Us, Graco, Britax and Summer Infant.

The bill, SB 6120, passed on the Senate floor by a vote of 41-6. It goes next to the House, where a bill identical to the original Senate bill died in the Environment Committee.

2006 - PBDE legislation



Please Oppose HB 1488

Washington would be first in the world to ban Deca-BDE

Everyone wants health and safety, for themselves and for their families. It is easy to support the statement that we should be safer, be healthier, live purer lives. And for some, that equates with trying to reduce the amount of chemicals we come into contact with in our daily lives. But the reality is, many chemicals play very important roles in enhancing our health, our safety and our general quality of life, and banning them would have serious adverse consequences. To make broad policy based on the desire to reduce the presence of chemicals, regardless of the benefits a given substance provides, rather than setting and adhering to sound safety standards, will only lead to unnecessary fear, and ultimately to a reduction in safety, effectiveness, and possibly even health in other areas of our lives.

Proponents of House Bill 1488 would have us believe that banning a product 4 years into the future is an appropriate incentive for business innovation, rather than a heavy-handed attempt to scare manufacturers away from products that have been tested and found to be safe for use by all reasonable standards. The National Academy of Sciences, the Consumer Products Safety Commission and a 10-year European Union Risk Assessment examining 588 studies have all determined that Deca-BDE is safe for continued use, and the Washington Department of Ecology and Department of Health have acknowledged that not one of the potential substitutes available for this life-saving flame retardant has undergone similar scientific scrutiny. House Bill 1488 would ban Deca-BDE anyway, hoping to force future discovery of these allegedly "safer" substitutes.

Phasing out the use of one product in favor of another takes time. Manufacturers, distributors and retailers will need to begin reacting today in order to meet the ban contemplated in HB 1488. And that means that they will either be forced to use replacement products about which less is known, or simply forgo the use of flame retardants entirely, putting at risk the very people we would seek to protect.

We cannot set good public policy based on the unknown. Without evidentiary backing, the belief that something bad will happen is just superstition. Please join the following businesses and groups in opposing House Bill 1488.

- Association of Washington Business
- BP • Alliance of Automobile Manufacturers
- Associated Builders and Contractors of Western Washington
- Washington Friends of Farms & Forests
- Western Wood Preservers Institute
- Tiz's Door Sales • Westover Farms

- Boeing • Weyerhaeuser
- Boise Cascade • Far West Agribusiness Association
- Longview Fibre • Environmental Law Northwest
- Washington Christmas Tree Growers Association
- Associated General Contractors of Washington
- American Chemistry Council • Schnitzer Steel Industry

