



Representing Household & Institutional Products

Aerosol - Air Care - Cleaners - Polishes
Automotive Care - Antimicrobial - Pest Management

TESTIMONY of
THE CONSUMER SPECIALTY PRODUCTS ASSOCIATION

in opposition to

Maryland Senate Bill 637 (Senator Benson et al.)

*"Healthy Kids, Healthy Maryland – Toxic Chemical
Identification and Reduction"*

submitted to the

SENATE FINANCE COMMITTEE

STATE of MARYLAND

February 24, 2011

Submitted by: Sean Moore, Director, State Affairs – East Region

Chairman Middleton and distinguished members of the Senate Finance Committee, the Consumer Specialty Products Association (CSPA) wishes to submit the following testimony in **strong opposition to Senate Bill 637**.

CSPA is the premier trade association representing the interests of some 250 companies engaged in the manufacture, formulation, distribution and sale of \$80 billion annually in the U.S. of hundreds of familiar consumer products that help household and institutional customers create cleaner and healthier environments. Our products include disinfectants that kill germs in homes, hospitals and restaurants; candles, and fragrances and air fresheners that eliminate odors; pest management products for home, garden and pets; cleaning products and polishes for use throughout the home and institutions; products used to protect and improve the performance and appearance of automobiles; aerosol products and a host of other products used every day. Through its product stewardship program, Product Care[®], and scientific and business-to-business endeavors, CSPA provides its members a platform to effectively address issues regarding the health, safety, sustainability and environmental impacts of their products. For more information, please visit www.cspa.org.

CSPA members are committed to manufacturing and marketing safe products that are protective of human health and the environment while providing essential benefits to consumers. CSPA and our members support the goal of ensuring that consumer products are safe. However, we are strongly opposed to SB 637 because it would create an extremely complex and expensive regulatory program that would **arbitrarily ban chemicals** in consumer products and would duplicate activities already being performed by a number of federal agencies.

CSPA believes it is instructive to note that while this bill appears to focus on "dangerous" children's products, the definition of "children's product" casts a net so overly broad that it would effectively apply to *any* product with which anyone under the age of 18 may come into contact. Furthermore, the brief list of exempted products included in Section 6-1402 (A) does not include an exemption for pesticide products (including antimicrobial products such as disinfectants and sanitizers), which are regulated by, the Maryland Department of Agriculture and United States Environmental Protection Agency.

Consumer Products Provide Essential Benefits

CSPA member products improve the safety and quality of human life and are necessary to protect the public health against dangerous diseases, infestation, and unsanitary conditions.

Examples include:

- The proper use of cleaning products and disinfectants is an effective and scientifically proven way to reduce the primary causes of disease, infection, asthma, and other health threats.
- The proper use of disinfecting and antimicrobial products on food surfaces can help protect against Salmonella, E.coli and other bacterial contamination on food.
- Disinfecting products are crucial in preventing and mitigating the Norovirus, Flu Outbreaks, and Staph Infections such as MRSA
- Cleaning products help prevent unsanitary restrooms, which can pose serious health risks, such as: contracting hepatitis, shigella, or other diseases related to viral or bacterial infection.
- Cleaning and disinfecting products help kill and prevent mold and mildew, which are proven asthma triggers for children and adults.

- Cleaning and disinfecting products are part of the first-line of defense against infection and disease and play an important role in re-establishing sanitary conditions during emergencies and natural disasters.
- Household use (ready-to-use) pesticide products are a least toxic way to help protect against pest infestations that can result in disease and can trigger asthma attacks. A 1997 study published in *The New England Journal of Medicine* found that children allergic to cockroach allergens and heavily exposed to these insects were three times more likely to be hospitalized than other asthmatic youth.
- Consumer automotive products help consumers and automotive service professionals maintain safe and smooth running vehicles and help reduce greenhouse gas emissions.

Senate Bill 637 is severely flawed and could unintentionally restrict the use of vital products in Maryland.

Legislation Relies on Flawed Scientific Basis

This legislative proposal is fundamentally flawed and lacks the scientific basis required to create such a complex and costly new regulatory system. SB 637 would, in essence, require manufacturers and distributors of products that contain identified "priority chemicals" to report to the Department of the Environment (Department). The Department would then be required to arbitrarily ban the presence of these "priority chemicals" and mandate that a safer alternative be used.

This approach to chemicals management is based on a flawed premise that identifying and eliminating 'hazardous chemicals' will make us safer. However, all chemicals are toxic at some level (including water), and therefore risk and safety assessments are vital to ensuring that products are safe when used by consumers. The belief that the State must eliminate "hazardous" chemicals in products underscores a clear misunderstanding of basic toxicological principles and a reasonable, science-based approach to product safety assessments. In addition, a recent study concluded, "There is no convincing evidence that synthetic chemical pollutants are important for human cancer. Regulations that try to eliminate minuscule levels of synthetic chemicals are enormously expensive... the median toxic control program costs 146 times more per life year saved than the median medical intervention."¹ In addition, regulations that force product reformulation, such as these legislative proposals, cost millions of dollars in reformulation costs and can reduce or eliminate the effectiveness of products.

Legislation Does Not Allow for Sound Scientific Assessments

Additionally, the program outlined in SB 637 appears woefully inadequate for making proper scientific judgments on the safe use of chemicals in specific products.

CSPA's member companies are staffed with highly experienced experts who effectively assess chemical hazard, know exposure and can successfully assess the risk of chemical usage in consumer products. Years of training and experience are required in order to become well versed in consumer product safety assessment. CSPA's member companies employ toxicologists that are highly qualified to make decisions about the appropriate use of chemicals in products. These professionals are

¹ Ames, Bruce N. & Gold, Lois Swirsky, *Misconceptions about Environmental Pollution, Pesticides and the Causes of Cancer*. National Center for Policy Analysis. March 1998. ISBN # 1-56808-034-4

masters and PhD-level scientists within our companies. CSPA's members know what chemicals are safe under foreseeable conditions of product use and misuse.

CSPA is very concerned that the state does not have the requisite resources and personnel in order to even attempt to collect and process the required information for what will likely amount to tens of thousands of products, much less, make appropriate product safety assessments for such a broad range of products. Finally, there is inadequate opportunity for industry, legislators, or other third-party stakeholders to provide input into this process and the determinations made by the Department.

Consumer Products Are Already Highly Regulated for Safety

CSPA members are committed to providing products that are thoroughly evaluated for human and environmental safety and go through rigorous safety-based assessments before they are brought to market. CSPA members are also committed to clear and meaningful labeling on consumer products, i.e., label instructions are written to ensure that consumers use products in accordance with label instructions. Finally, CSPA members are committed to the development of green products that are safe for human health and the environment. In addition, CSPA members routinely apply green chemistry and green engineering principles in their operations and have been honored with awards for their efforts.

Product safety and environment compatibility are vital considerations in manufacturing consumer products. CSPA's members spend millions of dollars and perform safety-based assessments for all consumer products and their ingredients prior to the marketing of a product and take into consideration all of the phases of a product's life-cycle.

Once a company assures the safety of a product internally, it must then ensure that those products meet the expectations for safety as defined by various federal laws and regulations that govern our members' products. The cleaning products industry is extensively regulated by several statutes falling under the scope of various federal agencies, including the Consumer Product Safety Commission, Department of Transportation, Environmental Protection Agency, Food and Drug Administration, Federal Trade Commission, Occupational Safety and Health Administration, and the Department of Agriculture. Together, these authorities regulate the product throughout its entire life cycle, including the manufacturing, transporting, labeling, packaging, advertising, use and disposal. Based on their resources and authorities, these agencies have significant expertise in the regulation of chemically formulated products developed for consumer use. This extensive infrastructure and network of agency and statutory authority in the U.S. system underscores this comprehensive approach to consumer product safety.

Maryland Should Encourage Robust Company/Product Safety Programs

CSPA's members support company performed safety-based assessments of consumer products prior to the marketing of a product, that take into consideration all of the phases of a product's life-cycle. CSPA and our members believe that every responsible company should be performing these types of safety-based assessments and supports initiatives that recognize companies for these types of procedures. In fact, CSPA has demonstrated our industry's commitment to manufacturing and marketing safe products that are protective of human health and the environment while providing essential benefits to consumers, when we initiated our Product Care program in 2001.

CSPA's Product Care program is a stewardship program for the consumer and institutional specialty products industry where participating companies have agreed to go beyond government regulations in emphasizing health, safety and environmental concerns by carefully designing products, purchasing raw material and packaging, operating safe manufacturing facilities, promoting safe storage and distribution, providing useful product information, answering consumers' questions and anticipating product disposal needs.

Product Care provides a framework for companies to identify and commit to stewardship principles, share ideas and information and benchmark better performance. Participating companies have pledged to develop management principles for each of seven areas in a product's life cycle from development in a research facility through product use and disposal. Through this program companies must commit to evaluate:

1. Product Design
2. Raw Material, Package and Service Supply
3. Manufacture and Production Site Management
4. Product Storage and Distribution
5. In-market Support, Incident Evaluation and Follow-up
6. Consumer Education and Outreach
7. Product Disposal

Stewardship did not begin when CSPA's Product Care program was initiated in 2001. Responsible companies have long followed policies promoting safe products that provide important health benefits while not adversely affecting the environment.

CSPA believes that Maryland could have a positive impact on product safety by recognizing or encouraging these types of product stewardship programs and companies that participate in them. In particular, CSPA believes that Maryland can leverage and recognize programs like Product Care as a way of encouraging companies to establish robust procedures to ensure product safety and environmental safety.

Conclusion – Oppose Senate Bill 637

CSPA strongly objects to SB 637 since it would establish an extremely flawed and costly regulatory program that could arbitrarily ban chemicals in products. This legislation rests on the false premise that the mere presence of a chemical in a product will cause harm and ignores proven scientific approaches for ensuring product safety. In addition, this proposal does not provide a sufficient process for truly evaluating product safety and does not provide an adequate opportunity for stakeholders to raise concerns about a proposed action under this mandate. This legislative proposal would not increase consumer safety and the unintended consequences of such a program could be far reaching and extremely costly for Maryland and the entire nation.

For these reasons and the concerns expressed above, we urge the members of the Finance Committee to *vote against SB 637*. Thank you for considering CSPA's position on this exceedingly important issue. I apologize that I am unable to appear in-person to present this testimony, as I had a previously scheduled engagement that conflicted with this hearing. I would welcome any questions or discussion of CSPA's testimony and position. I can be reached directly at 202-833-7308, or via email at smoore@cspa.org.