

CACC

Consumers for Competitive Choice

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The Senate, Twenty-Fourth Legislature, State of Hawaii**

SB 2239: RELATING TO TOXIC PRODUCTS

I thank the leadership and members of the Twenty-Fourth Legislature of the State of Hawaii for the opportunity to present this testimony.

Good science makes good public policy. That is a given. Policymakers do well to protect consumers from things proven to be harmful. The converse is just as true, however. Bad science can lead to bad public policy.

That is the unfortunate scenario in a few isolated jurisdictions across the country as legislators react to recent headlines about lead levels in toys by casting too wide a net and outlawing substances that have not been shown to be harmful.

Overreactions are harmful to consumers too, as proven, safe ingredients may be replaced by less-tested and less-effective alternatives.

A balance should be sought. Objectivity should not be sacrificed. Consumers should be protected from substances that have been proven harmful. Those decisions should be based on sound science, though, not speculation. Good public policy demands a firm foundation.

A focus on phthalates

A case in point is the effort by some states to include phthalates in legislation limiting the amount of lead and other proven carcinogens in children's toys. The effort is misplaced and ultimately detrimental to consumers.

Phthalates are a softening agent used to make plastic pliable. They have been in common use in consumer goods for the past fifty years. Shoes, automobile seats, flooring, garden hoses, and Emergency Room IV bags and tubes, all contain phthalates. So do the rubber duckies we played with yesterday.

Because of their ubiquitous presence in many useful consumer goods, phthalates are one of the most tested compounds known to man. Yet, in more than 50 years of use and extensive analysis, no reliable evidence has ever shown that phthalates ever caused harm to anyone.

“No demonstrated risk”

One of the most common phthalates is a compound called diisononyl phthalate, or DINP. It commonly found in vinyl toys, and independent safety reviews have found DINP to be safe for use in toys.

Here is what the leading safety organizations have concluded in their reviews over just the past few years.

1. The U.S. Consumer Product Safety Commission spent four years studying DINP and concluded that there is “no demonstrated health risk” from its use in toys and “no justification” for banning its use.
2. The Centers for Disease Control have found that average human exposure to DINP is far below safety levels set by EPA. How far below? A person could eat 3,400 rubber ducks and not reach the level where exposure to DINP is a concern.
3. Scientists for The European Union and National Institutes of Health have reached similar conclusions.

A misguided rush to judgment

For consumers, the rush to judgment regarding phthalates is more than bad (or more correctly, tentative) science leading to bad legislation. An important question that is often overlooked is what are the alternatives to phthalates?

DINP is the most tested compound for making plastic toys pliable. If it is banned, the need for this type of compound will not simply vanish. Consumers will still demand soft plastic toys and the myriad of other consumer products made with DINP. Instead, these products will be made with an alternative. Of all the known alternatives, none of them has been tested and cleared by scientific experts like DINP. This may be a case of “be careful what you wish for,” as less tested alternatives enter the marketplace and consumers bear the risk. (Appendix 1)

Putting Science Before Politics

The correct approach is to refrain from a rush to judgment. Policymakers should rely on existing science—not anecdotal evidence extrapolated by proxy—to legislate in a thoughtful and deliberate manner. That approach recognizes the need to protect consumers from proven hazards like lead, but not from compounds that have not been shown to cause harm like DINP.

Simply put, good science should make good public policy.

Unintended Consequences



Which One is Really Safest For Our Children?



	DINP	ATBC	COMGHA	DINCH	DOTP	ESO	M II	TOTM
Tested Under CPSC or other US governmental exposure assessments?	YES	NO	NO	NO	NO	NO	NO	NO
Determined to be Safe for Use in Toys by US Government?	YES	NO	NO	NO	NO	NO	NO	NO
Subject of a European Union Risk Assessment?	YES	NO	NO	NO	NO	NO	NO	NO
Determined Safe for Use in Toys by EU Risk Assessment?	YES	NO	NO	NO	NO	NO	NO	NO
Reviewed by U.S. National Toxicology Program?	YES	NO	NO	NO	NO	NO	NO	NO
Determined to pose "minimal concern for human health" by the NTP?	YES	NO	NO	NO	NO	NO	NO	NO

DINP = diisononyl phthalate; ATBC = acetyl tributyl citrate; COMGHA = acetylated monoglycerides of fully hydrogenated castor oil, marketed as "Soft 'n' Safe"; DINCH = di-isononyl-cyclohexane-1,2-dicarboxylate; DOTP = dioctyl terephthalate; ESO = epoxidized soybean oil; M II = mesamoll II; TOTM = tris (2-Ethylhexyl) trimellitate