
SENATE CONCURRENT RESOLUTION

ENCOURAGING THE UNITED STATES CONGRESS TO ENACT FEDERAL
LEGISLATION TO MODERNIZE THE TOXIC SUBSTANCES CONTROL ACT
OF 1976 TO STRENGTHEN CHEMICALS MANAGEMENT THROUGH POLICY
REFORMS.

1 WHEREAS, children, as well as the developing fetus, are
2 uniquely vulnerable to the health threats of toxic chemicals,
3 and early-life chemical exposures have been linked to chronic
4 disease later in life; and

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6 WHEREAS, a growing body of peer-reviewed scientific
7 evidence links exposure to toxic chemicals to many diseases and
8 health conditions that are rising in incidence, including
9 childhood cancers, prostate cancer, breast cancer, learning and
10 developmental disabilities, infertility, and obesity; and

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12 WHEREAS, the President's Cancer Panel report released in
13 May 2010 stated that the true burden of environmentally induced
14 cancers has been grossly underestimated and the panel advised
15 the President "to use the power of your office to remove the
16 carcinogens and other toxins from our food, water, and air that
17 needlessly increase health care costs, cripple our nation's
18 productivity, and devastate American lives"; and

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20 WHEREAS, workers in a range of industries are exposed to
21 toxic chemicals that pose threats to their health and increase
22 worker absenteeism, workers' compensation claims, and health
23 care costs that burden the economy; and

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25 WHEREAS, a recent national poll found that seventy-eight
26 per cent of likely American voters were seriously concerned
27 about the threat to children's health from exposure to toxic
28 chemicals in day-to-day life; and

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30 WHEREAS, states bear an undue burden from the effects of
31 toxic chemicals, including health care costs and environmental



1 damages, placing businesses that lack information on chemicals
2 in their supply chain at a disadvantage and increasing demands
3 for state regulation; and
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5 WHEREAS, the primary governing federal statute, the Toxic
6 Substances Control Act of 1976, was intended to authorize the
7 United States Environmental Protection Agency to protect public
8 health and the environment from toxic chemicals; and
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10 WHEREAS, when the Toxic Substances Control Act of 1976 was
11 passed, about 62,000 chemicals then in commerce were exempted
12 and allowed to continue being sold or used without any required
13 testing for health and safety hazards or any restrictions on
14 usage; and
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16 WHEREAS, in the thirty-five years since, the federal
17 Environmental Protection Agency has required chemical companies
18 to test only about two hundred of those chemicals for health
19 hazards and has issued partial restrictions on only five
20 chemicals; and
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22 WHEREAS, the Toxic Substances Control Act of 1976 has been
23 widely recognized as being ineffective and obsolete due to legal
24 and procedural hurdles that prevent the Environmental Protection
25 Agency from taking quick and effective regulatory action to
26 protect the public against well-known chemical threats; and
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28 WHEREAS, in January 2009, the United States Government
29 Accountability Office added the Environmental Protection
30 Agency's regulatory program for assessing and controlling toxic
31 chemicals to its list of high risk government programs that are
32 not working as intended, finding that:
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34 (1) The Environmental Protection Agency has been unable to
35 complete assessments even for chemicals of the highest
36 concern;
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38 (2) The Environmental Protection Agency requires
39 additional authority to obtain health and safety
40 information from the chemical industry and to direct
41 chemical companies to demonstrate the safety of their
42 products; and



1
2 (3) The Toxic Substances Control Act of 1976 does not
3 provide sufficient chemical safety data for public use
4 by consumers, businesses, and workers; the Act also
5 fails to create incentives to develop safer
6 alternatives; and
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8 WHEREAS, the National Conference of State Legislatures
9 unanimously adopted a resolution in July 2009 that articulated
10 principles for reform of the Toxic Substances Control Act of
11 1976 and called on Congress to update the law; and
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13 WHEREAS, in August 2010, the Environmental Council of
14 States, the national association of state environmental agency
15 directors, unanimously adopted a resolution entitled "Reforming
16 the Toxic Substances Control Act", which endorsed specific
17 policy reforms; and
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19 WHEREAS, ten states have acted together to launch the
20 Interstate Chemicals Clearinghouse to coordinate state chemical
21 information management programs, and a coalition of thirteen
22 states issued guiding principles for reform; and
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24 WHEREAS, seventy-one state laws on chemical safety have
25 been enacted and signed into law in eighteen states with broad
26 bipartisan support over the last eight years; and
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28 WHEREAS, state policy leadership on chemical management,
29 although outstanding, cannot substitute for congressional
30 leadership to reform the Toxic Substances Control Act of 1976, a
31 reform that many individuals and entities agree is urgently
32 needed; and
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34 WHEREAS, legislation to substantially reform the Toxic
35 Substances Control Act of 1976 was introduced during the 109th
36 Congress in 2005, the 110th Congress in 2008, and again in the
37 111th Congress in 2010; now, therefore,
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39 BE IT RESOLVED by the Senate of the Twenty-sixth
40 Legislature of the State of Hawaii, Regular Session of 2011, the
41 House of Representatives concurring, that members of the 112th
42 United States Congress are encouraged to enact federal
43 legislation to amend the Toxic Substances Control Act of 1976 to
44 strengthen chemical management through policy reforms that:



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2 (1) Require chemical manufacturers to prove that all
3 existing and new chemicals are not harmful to human
4 health and provide essential health and safety
5 information on chemicals to inform the market,
6 consumers, and the public;
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8 (2) Require immediate action to reduce or eliminate the
9 use of harmful chemicals, including persistent,
10 bioaccumulative, and toxic chemicals and other
11 priority toxics to which there is already widespread
12 exposure;
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14 (3) Preserve the authority of state and tribal governments
15 to operate chemical management programs that are more
16 protective than those of the federal government;
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18 (4) Establish health safety standards for chemicals that
19 rely on the best available science to protect the most
20 vulnerable, such as children and the developing fetus;
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22 (5) Reward innovation by fast-tracking approval of new,
23 demonstrably safer chemicals, and invest in green
24 chemistry research and workforce development to boost
25 American business and create jobs related to making
26 safer chemical alternatives; and
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28 (6) Promote environmental justice by developing action
29 plans to reduce disproportionate exposure to toxic
30 chemicals in hot spot communities; and
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32 BE IT FURTHER RESOLVED that certified copies of this
33 Concurrent Resolution be transmitted to the President of the
34 United States, the Majority Leader of the United States Senate,
35 the Speaker of the United States House of Representatives, and
36 the members of Hawaii's Congressional Delegation.

