
HOUSE 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, worker compensation claims, and health care
23 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



1 about the threat to children's health from exposure to toxic
2 chemicals in day-to-day life; and

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4 WHEREAS, states bear an undue burden from the effects of
5 toxic chemicals, including health care costs and environmental
6 damages, placing businesses that lack information on chemicals
7 in their supply chain at a disadvantage and increasing demands
8 for state regulation; and

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10 WHEREAS, the primary governing federal statute, the Toxic
11 Substances Control Act of 1976, was intended to authorize the
12 United States Environmental Protection Agency to protect public
13 health and the environment from toxic chemicals; and

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15 WHEREAS, when the Toxic Substances Control Act of 1976 was
16 passed, about 62,000 chemicals then in commerce were exempted
17 and allowed to continue being sold or used without any required
18 testing for health and safety hazards or any restrictions on
19 usage; and

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21 WHEREAS, in the thirty-five years since, the federal
22 Environmental Protection Agency has required chemical companies
23 to test only about two hundred of those chemicals for health
24 hazards and has issued partial restrictions on only five
25 chemicals; and

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27 WHEREAS, the Toxic Substances Control Act of 1976 has been
28 widely recognized as being ineffective and obsolete due to legal
29 and procedural hurdles that prevent the Environmental Protection
30 Agency from taking quick and effective regulatory action to
31 protect the public against well-known chemical threats; and

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33 WHEREAS, in January 2009, the United States General
34 Accounting Office added the Environmental Protection Agency's
35 regulatory program for assessing and controlling toxic chemicals
36 to its list of high risk government programs that are not
37 working as intended, finding that:

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39 (1) The Environmental Protection Agency has been unable to
40 complete assessments even of chemicals of highest
41 concern;

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1 (2) The Environmental Protection Agency requires
2 additional authority to obtain health and safety
3 information from the chemical industry and to direct
4 chemical companies to demonstrate the safety of their
5 products; and
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7 (3) The Toxic Substances Control Act of 1976 does not
8 provide sufficient chemical safety data for public use
9 by consumers, businesses, and workers; the Act also
10 fails to create incentives to develop safer
11 alternatives; and
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13 WHEREAS, the National Conference of State Legislatures
14 unanimously adopted a resolution in July 2009 that articulated
15 principles for reform of the Toxic Substances Control Act of
16 1976 and called on Congress to act to update the law; and
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18 WHEREAS, in August 2010, the Environmental Council of
19 States, the national association of state environmental agency
20 directors, unanimously adopted a resolution entitled "Reforming
21 the Toxic Substances Control Act," which endorsed specific
22 policy reforms; and
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24 WHEREAS, ten states have acted together to launch the
25 Interstate Chemicals Clearinghouse to coordinate state chemical
26 information management programs, and a coalition of thirteen
27 states issued guiding principles for reform; and
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29 WHEREAS, seventy-one state laws on chemical safety have
30 been enacted and signed into law in eighteen states with broad
31 bipartisan support over the last eight years; and
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33 WHEREAS, state policy leadership on chemical management,
34 although outstanding, cannot substitute for congressional
35 leadership to reform the Toxic Substances Control Act of 1976, a
36 reform that many individuals and entities agree is urgently
37 needed; and
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39 WHEREAS, the Toxic Substances Control Act of 1976 is the
40 only major federal environmental statute that has never been
41 updated or reauthorized; and
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1 WHEREAS, legislation to substantially reform the Toxic
2 Substances Control Act of 1976 was introduced during the 109th
3 Congress in 2005, the 110th Congress in 2008, and again in the
4 111th Congress in 2010; now, therefore

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6 BE IT RESOLVED by the House of Representatives of the
7 Twenty-sixth Legislature of the State of Hawaii, Regular Session
8 of 2011, the Senate concurring, that members of the 112th United
9 States Congress are encouraged to enact federal legislation to
10 amend the Toxic Substances Control Act of 1976 to strengthen
11 chemical management through policy reforms that:

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

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MAR - 7 2011

