

JAN 28 2011

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# 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

5  
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

11  
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

19  
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

3  
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

9  
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

14  
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

20  
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

26  
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

32  
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:

- 38  
39 (1) The Environmental Protection Agency has been unable to  
40 complete assessments even of chemicals of highest  
41 concern;



- 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  
6
- 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  
12

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  
23

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  
28

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  
32

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  
38

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  
42



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

5  
6 BE IT RESOLVED by the Senate of the Twenty-sixth  
7 Legislature of the State of Hawaii, Regular Session of 2011, the  
8 House of Representatives concurring, that members of the 112th  
9 United States Congress are encouraged to enact federal  
10 legislation to amend the Toxic Substances Control Act of 1976 to  
11 strengthen chemical management through policy reforms that:

- 12
- 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;
  - 18  
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;
  - 23  
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;
  - 27  
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;
  - 31  
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
  - 37  
38 (6) Promote environmental justice by developing action  
39 plans to reduce disproportionate exposure to toxic  
40 chemicals in hot spot communities; and  
41



# S.C.R. NO. 13

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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 7  
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