

JAN 24 2013

SENATE 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 developing fetuses, 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, 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

29
30 WHEREAS, states bear an undue burden from the effects of
31 toxic chemicals, including health care costs and environmental
32 damages, placing businesses that lack information on chemicals



1 in their supply chain at a disadvantage and increasing demands
2 for state regulation; and
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4 WHEREAS, the federal Toxic Substances Control Act of 1976,
5 was intended to authorize the United States Environmental
6 Protection Agency to protect public health and the environment
7 from toxic chemicals; and
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9 WHEREAS, when the Toxic Substances Control Act of 1976 was
10 passed, approximately 62,000 chemicals then used in commerce
11 were exempted and allowed to continue to be sold or used without
12 any required testing for health and safety hazards or any
13 restrictions on usage; and
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15 WHEREAS, since the Toxic Substances Control Act of 1976 was
16 enacted, the federal Environmental Protection Agency has
17 required chemical companies to test only two hundred of the
18 exempted 62,000 chemicals for health hazards and has issued
19 partial restrictions on only five chemicals; and
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21 WHEREAS, the Toxic Substances Control Act of 1976 has been
22 widely recognized as being ineffective and obsolete due to legal
23 and procedural hurdles that prevent the Environmental Protection
24 Agency from taking quick and effective regulatory action to
25 protect the public against well-known chemical threats; and
26

27 WHEREAS, in January 2009, the United States Government
28 Accountability Office added the Environmental Protection
29 Agency's regulatory program for assessing and controlling toxic
30 chemicals to its list of high-risk government programs that are
31 not working as intended, finding that:
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33 (1) The Environmental Protection Agency has been unable to
34 complete assessments even of chemicals of highest
35 concern;
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37 (2) The Environmental Protection Agency requires
38 additional authority to obtain health and safety
39 information from the chemical industry and to direct
40 chemical companies to demonstrate the safety of their
41 products; and
42

43 (3) The Toxic Substances Control Act of 1976 does not
44 provide sufficient chemical safety data for public use



1 by consumers, businesses, and workers and fails to
2 create incentives to develop safer alternatives; and
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4 WHEREAS, the National Conference of State Legislatures
5 unanimously adopted a resolution in July 2009 that articulated
6 principles for reform of the Toxic Substances Control Act of
7 1976 and called on Congress to act to update the law; and
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9 WHEREAS, in August 2010, the Environmental Council of
10 States, the national association of state environmental agency
11 directors, unanimously adopted a resolution entitled "Reforming
12 the Toxic Substances Control Act," which endorsed specific
13 policy reforms; and
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15 WHEREAS, ten states have acted together to launch the
16 Interstate Chemicals Clearinghouse to coordinate state chemical
17 information management programs, and a coalition of thirteen
18 states issued guiding principles for reform; and
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20 WHEREAS, over the last ten years, ninety-three state laws,
21 rules, and policies on chemical safety have been enacted; and
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23 WHEREAS, state policy leadership on chemical management,
24 although outstanding, cannot substitute for congressional
25 leadership to reform the Toxic Substances Control Act of 1976, a
26 reform that many individuals and entities agree is urgently
27 needed; and
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29 WHEREAS, the Toxic Substances Control Act of 1976 is the
30 only major federal environmental statute that has never been
31 updated or reauthorized; and
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33 WHEREAS, legislation to substantially reform the Toxic
34 Substances Control Act of 1976 was introduced during the 109th
35 Congress in 2005, the 110th Congress in 2008, the 111th Congress
36 in 2010, and again in the 112th Congress in 2011; now, therefore
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38 BE IT RESOLVED by the Senate of the Twenty-seventh
39 Legislature of the State of Hawaii, Regular Session of 2013,
40 that members of the 113th United States Congress are encouraged
41 to enact federal legislation to amend the Toxic Substances
42 Control Act of 1976 to strengthen chemical management through
43 policy reforms that:
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- 1 (1) Require chemical manufacturers to prove that all
- 2 existing and new chemicals are not harmful to human
- 3 health and provide essential health and safety
- 4 information on chemicals to inform the market,
- 5 consumers, and the public;
- 6
- 7 (2) Require immediate action to reduce or eliminate the
- 8 use of harmful chemicals, including persistent,
- 9 bioaccumulative and toxic chemicals and other priority
- 10 toxics to which the public is widely exposed;
- 11
- 12 (3) Preserve the authority of state and tribal governments
- 13 to operate chemical management programs that are more
- 14 protective than those of the federal government;
- 15
- 16 (4) Establish health safety standards for chemicals that
- 17 rely on the best available science to protect the most
- 18 vulnerable, such as children and developing fetuses;
- 19
- 20 (5) Reward innovation by fast-tracking approval of new,
- 21 demonstrably safer chemicals, and invest in green
- 22 chemistry research and workforce development to boost
- 23 American business and create jobs related to making
- 24 safer chemical alternatives; and
- 25
- 26 (6) Promote environmental justice by developing action
- 27 plans to reduce disproportionate exposure to toxic
- 28 chemicals in hot spot communities; and
- 29

30 BE IT FURTHER RESOLVED that certified copies of this
 31 Resolution be transmitted to the President of the United States,
 32 the Majority Leader of the United States Senate, the Speaker of
 33 the United States House of Representatives, the Administrator of
 34 the Environmental Protection Agency, and the members of Hawaii's
 35 congressional delegation.

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 38 OFFERED BY: *Frances Chun Clark*

Kiana Thul

