



# The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES  
STATE HOUSE, BOSTON 02133-1054

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CHAIRMAN  
House Committee on:  
Global Warming and Climate Change

Chairman William M. Straus  
State House Room 473F  
Boston, MA 02133

Chairman Anthony Petruccelli  
State House Room 413B  
Boston, MA 02133

November 2, 2009

Dear Chairman Straus, Chairman Petruccelli, and Honorable Members of the Committee,

I write today to express my support for H757 and S442, *An Act for a Competitive Economy Through Safer Alternatives to Toxic Chemicals*, and to respectfully request that the committee give it a favorable report. This legislation will help Massachusetts businesses become safer, cleaner, and more competitive nationally and internationally, and will benefit the health of workers and consumers.

### **The Problem:**

Over the last 70 years, more than 80,000 types of synthetic chemicals have been used in both the workplace and consumer products. Scientific evidence increasingly reveals links between toxic chemicals and higher rates of chronic diseases and disorders; including cancers, asthma, learning and developmental disabilities, birth defects, diabetes, ALS, and Parkinson's. These studies show children are especially vulnerable. From 1975 to 2000, cancer incidence in children under the age of 15 has risen by 31.7%. In Massachusetts, children in low-income communities, who are exposed to toxic chemicals at a higher rate, have a 25% higher cancer rate than children in other communities. The Global Development and Environment Institute published a study showing that preventable childhood illnesses and disabilities attributable to environmental factors impose staggering costs on society. The study estimates these childhood ailments cost up to \$1.6 billion annually in Massachusetts alone.

Our workforce is also affected by toxic chemical exposure. The U.S. Environmental Protection Agency (EPA) has reported between 1980 and 1994 there was a 75% increase in self-reported prevalence of asthma. Massachusetts has the highest adult asthma rate in the nation with 9.5% of residents afflicted with the condition.

People are being poisoned by toxic chemicals without any knowledge of it. Two years ago, parents unknowingly purchased toys, during their holiday shopping, containing harmful toxic chemicals. Fischer Price recalled over one million toys and accessories, including the latest "Elmo" and "Dora the Explorer" dolls. This resulted in a national panic over the safety of products. Workers are also being unknowingly exposed. A 2006 survey of local unions, conducted by the Massachusetts Coalition for Occupational Safety and Health (MassCOSH), revealed most workers were interested in being involved with decisions about the chemicals they use. However, many responded that they lack information about chemical hazards. Business owners also need to know what is in their products and how harmful they are. Ignorance towards toxic chemicals puts business owners at the risk of facing reputation damage, toxic tort liabilities and may even jeopardize their market share.

Current law and regulations have been successful at limiting exposure of some toxic chemicals. Permit programs administered by the Massachusetts Department of Environmental Protection (MassDEP) have helped to limit the amount of toxins released in the air, water and waste. Regulations limit the quantities of some toxic chemicals in certain consumer products, including paint. The U.S. Occupational Safety and Health Administration (OSHA) regulates a handful of chemicals and has established acceptable exposure levels for workers. The Massachusetts Mercury Management Act regulates the disposal of products containing mercury. In addition, the Commonwealth's innovative Toxic Use Reduction Act (TURA) program has been a successful system in assisting Massachusetts businesses to control their toxic chemical use and reduce pollution. TURA requires industrial users of large quantities of certain toxic chemicals to file reports and plans to reduce worker exposure to these toxic chemicals. Between 1990 and 2005, industries subject to TURA reporting reduced their toxic chemical use by 40%. The American Chemical Society published a cost-benefit study revealing the TURA program's benefits exceeded the costs of implementation. As a voluntary program, the Toxic Use Reduction Institute (TURI) has provided information on replacing toxic chemicals with safer alternatives for 5 toxic chemicals: perchloroethylene, formaldehyde, DEHP, lead, and hexavalentchromium.

Though these programs have been successful at reducing exposure of certain toxic chemicals in industry and in our homes, they have not gone far enough. The scope of current law and regulations is limited to just a handful of the thousands of toxic chemicals currently in use. For many of these unregulated toxic chemicals, there already exist safer alternatives for specific uses. Yet current laws and programs do not require the use of safer alternatives to harmful toxic chemicals when it is feasible to do so. Businesses suffer because of preventable health care costs and lost productivity when workers develop illnesses due to toxic chemical exposure. Our workers and families are still put at unnecessary risk of exposure to harmful chemicals and it is time we end this danger.

**What this legislation does:**

This bill helps to reduce workers' and families' exposure to harmful toxic chemicals by requiring, when feasible, businesses and manufactures of consumer products to use a safer alternative. The bill expands on the already successful Massachusetts TURA program, creating a flexible and pragmatic system. At the same time, it will preserve the existing TURA programs that have been good for public health and have helped businesses realize substantial cost savings.

Once a priority chemical is identified, TURI will conduct a study to determine whether there are one or more feasible safer alternatives. State agencies then use this scientific data to establish state-wide priorities for substitution based on the exposure danger and how easily the chemical can be replaced. After deadlines are set, businesses and other users make their own substitution plans. Businesses will not be forced to make a substitution to a safer alternative if the business determines it is not feasible to do so. Businesses make their own choices how best to comply and can apply for waivers if the safer alternative is not technically or economically achievable. In addition, to help businesses who make the shift to safer alternatives, the Business Transition Assistance Program will be established. This program will provide businesses with technical assistance, grants, and research and development assistance. The funding will be raised through fees on toxic chemicals, similar to the fee system already in existence under TURA.

The Safer Alternatives program will build on our already existing TURA program, utilizing the same scientific and cooperative approach to reduce our workers and families exposure to toxic chemicals.

#### **Why is this legislation important:**

Massachusetts has the reputation as a leader in environmental policy and developing a healthy economy. However, in area of safer chemicals, Massachusetts lags behind. The European Union and other countries are ahead of Massachusetts and the United States in adopting more health-protective requirements for products. These other countries have found that switching to safer alternatives reduces work related illnesses and improves productivity. It also reduces the economic burden from preventable health care. Currently, 37% of Massachusetts trade is with the European Union's member states. Under the European Union's Registration, Evaluation, Authorisation and Restriction of Chemical Substances program (REACH), Massachusetts companies exporting products to the E.U. member states will need to satisfy those standards or face the potential loss of business. Tuft economists estimate the potential impact on U.S. business if they fail to meet the E.U.'s REACH standards to be \$14 billion per year and directly or indirectly 54,000 jobs. With the Safer Alternatives program, Massachusetts businesses will be able to compete better in the global marketplace by adopting the healthy economy practices of their foreign competitors.

Some Massachusetts businesses have already taken the lead and switched to safer alternatives. In Arlington, a local dry cleaner, Utopia Cleaners, made the switch to a safer alternative method of cleaning. Prior to the switch, Utopia Cleaners used perchloroethylene and created approximately 3,600 pounds of hazardous waste a year. Utopia Cleaners switched to a wet cleaning machine that cost significantly less than it would to replace their dry cleaning machine. On average, they save \$900 a year in purchase costs and \$1,800 in hazardous waste disposal

costs. In addition, the cleaners have noticed their customers request the new wet cleaning service and the clothing is cleaner and fresher looking under the new wet cleaning process. Utopia Cleaners is not a unique example, several businesses have experienced the same success including: Avalon Natural Products, Dell Inc., Hennes & Mauritz (H&M), and Herman Miller.

Switching to safer alternatives, where feasible, saves money, reduces risks to businesses and helps keep the people of the Commonwealth healthy. The flexible pragmatic program in this bill uses cooperative efforts and science to help our businesses make decisions about switching to safer alternatives that will allow them to compete better in the global marketplace.

For these reasons, I respectfully encourage you to favorably report H757 and S442. I appreciate your consideration of this important issue.

Sincerely,

Frank I. Smizik