
Introduced by Senator Pavley

**(Coauthors: Senators Alquist, Corbett, De León, Evans, Kehoe,
Leno, Simitian, and Yee)**

(Coauthors: Assembly Members Ammiano, Beall, Blumenfield, Butler,
Feuer, Huffman, Monning, Skinner, and Williams)

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Senate Joint Resolution No. 3—Relative to toxic substances control.

LEGISLATIVE COUNSEL'S DIGEST

SJR 3, as introduced, Pavley. Toxic substances: federal law.

This measure would urge the President and the Congress of the United States to enact federal legislation to modernize the federal Toxic Substances Control Act of 1976 by strengthening chemical management through specified policy reforms.

Fiscal committee: no.

- 1 WHEREAS, Children and the developing fetus are uniquely
2 vulnerable to the health threats of toxic chemicals, and early life
3 chemical exposures have been linked to chronic disease later in
4 life; and
5 WHEREAS, A growing body of peer-reviewed scientific
6 evidence links exposure to toxic chemicals to many diseases and
7 health conditions that are rising in incidence, including childhood
8 cancers, prostate cancer, breast cancer, learning and developmental
9 disabilities, infertility, and obesity; and
10 WHEREAS, The President's Cancer Panel report released in
11 May 2010 states "the true burden of environmentally induced
12 cancers has been grossly underestimated," and the panel advised
13 the President of the United States "to use the power of your office

1 to remove the carcinogens and other toxins from our food, water,
2 and air that needlessly increase health care costs, cripple our
3 nation's productivity, and devastate American lives;" and

4 WHEREAS, Workers in a range of industries are exposed to
5 toxic chemicals which pose threats to their health, increasing
6 worker absenteeism, workers' compensation claims, and health
7 care costs that burden the economy; and

8 WHEREAS, A recent national poll found that 78 percent of
9 American voters were seriously concerned about the threat to
10 children's health from exposure to toxic chemicals in day-to-day
11 life; and

12 WHEREAS, States bear an undue burden from toxic chemicals,
13 including health care costs and environmental damages,
14 disadvantaging businesses that lack information on chemicals in
15 their supply chain, and increasing demands for state regulation;
16 and

17 WHEREAS, The federal Toxic Substances Control Act of 1976
18 (15 U.S.C. Sec. 2601 et seq. (TSCA)), the primary governing
19 federal statute, was intended to authorize the federal Environmental
20 Protection Agency (EPA) to protect public health and the
21 environment from toxic chemicals; and

22 WHEREAS, When TSCA was passed, about 62,000 chemicals
23 in commerce were "grandfathered in" without any required testing
24 for health and safety hazards or any restrictions on usage; and

25 WHEREAS, In the 35 years since the enactment of TSCA, the
26 EPA has required chemical companies to test only about 200 of
27 those chemicals for health hazards and has issued partial
28 restrictions on only five chemicals; and

29 WHEREAS, TSCA has been widely recognized as ineffective
30 and obsolete due to legal and procedural hurdles that prevent the
31 EPA from taking quick and effective regulatory action to protect
32 the public against well-known chemical threats; and

33 WHEREAS, In January 2009, the United States General
34 Accounting Office (GAO) added the EPA's regulatory program
35 for assessing and controlling toxic chemicals to its list of "high
36 risk" government programs that are not working as intended,
37 finding that the EPA has been unable to complete assessments of
38 chemicals of the highest concern. The EPA requires additional
39 authority to obtain health and safety information from the chemical
40 industry and to shift more of the burden to chemical companies to

1 demonstrate the safety of their products. TSCA does not provide
2 sufficient chemical safety data for public use by consumers,
3 businesses, and workers and fails to create incentives to develop
4 safer alternatives; and

5 WHEREAS, The National Conference of State Legislatures
6 unanimously adopted a resolution in July 2009 that articulated
7 principles for the reform of TSCA and called on Congress to act
8 to update the law; and

9 WHEREAS, In August 2010, the Environmental Council of
10 States (ECOS), the national association of state environmental
11 agency directors, unanimously adopted a resolution entitled
12 “Reforming the Toxic Substances Control Act,” which endorsed
13 specific policy reforms; and

14 WHEREAS, Ten states have come together to launch the
15 Interstate Chemicals Clearinghouse (IC2) to coordinate state
16 chemical information management programs, and a coalition of
17 13 states issued guiding principles for TSCA reform; and

18 WHEREAS, Seventy-one state laws on chemical safety have
19 been enacted and signed into law in 18 states with broad bipartisan
20 support over the last eight years; and

21 WHEREAS, California’s policy leadership on chemical
22 management, although outstanding, cannot substitute for
23 congressional leadership to reform TSCA, a reform which all
24 parties agree is urgently needed; and

25 WHEREAS, TSCA is the only major federal environmental
26 statute that has never been updated or reauthorized; and

27 WHEREAS, Legislation to substantially reform TSCA was
28 introduced during the 109th Congress in 2005, the 110th Congress
29 in 2008, and again in the 111th Congress in 2010; now, therefore,
30 be it

31 *Resolved by the Senate and the Assembly of the State of*
32 *California, jointly,* That the California State Legislature urges the
33 President and the 112th Congress of the United States to enact
34 federal legislation to modernize the federal Toxic Substances
35 Control Act of 1976 by strengthening chemical management
36 through policy reforms that would do all of the following:

37 (a) Require immediate action to reduce or eliminate the worst
38 chemicals, including persistent, bioaccumulative, and toxic
39 chemicals, which are known as PBTs, and other priority toxic
40 chemicals, to which there is already widespread exposure.

1 (b) Preserve the authority of state and tribal governments to
2 operate chemical management programs that are more protective
3 than the programs established by the federal government.

4 (c) Establish health safety standards for chemicals that rely on
5 the best available science to protect the most vulnerable, including
6 children and the developing fetus.

7 (d) Support those chemical manufacturers that are striving to
8 establish that all existing and new chemicals are not harmful to
9 human health, and to provide essential health and safety
10 information on chemicals to inform the market, consumers, and
11 the public.

12 (e) Reward innovation by fast-tracking the approval of new,
13 demonstrably safer chemicals, and invest in green chemistry
14 research and workforce development to boost American business
15 and spur jobs making safer alternatives.

16 (f) Promote environmental justice by developing action plans
17 to reduce disproportionate exposure to toxic chemicals in “hot
18 spot” communities; and be it further

19 *Resolved*, That the Secretary of the Senate transmit copies of
20 this resolution to the President and Vice President of the United
21 States, to the President pro Tempore of the United States Senate,
22 to the Speaker of the House of Representatives, to each Senator
23 and Representative from California in the Congress of the United
24 States, and to the author for appropriate distribution.