

## Senate Joint Resolution No. 3

### RESOLUTION CHAPTER 62

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

[Filed with Secretary of State July 19, 2011.]

#### LEGISLATIVE COUNSEL'S DIGEST

SJR 3, 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.

WHEREAS, Children and pregnant women are uniquely vulnerable to the health threats of toxic chemicals, and early life chemical exposures have been linked to chronic disease later in life; and

WHEREAS, A growing body of peer-reviewed scientific evidence links exposure to toxic chemicals to many diseases and health conditions that are rising in incidence, including childhood cancers, prostate cancer, breast cancer, learning and developmental disabilities, infertility, and obesity; and

WHEREAS, The President's Cancer Panel report released in May 2010 states "the true burden of environmentally induced cancers has been grossly underestimated," and the panel advised the President of the United States "to use the power of your office to remove the carcinogens and other toxins from our food, water, and air that needlessly increase health care costs, cripple our nation's productivity, and devastate American lives"; and

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

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

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

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

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

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

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

WHEREAS, A strong uniform federal standard would be beneficial to both consumers and businesses; and

WHEREAS, In January 2009, the United States General Accounting Office (GAO) added the EPA’s regulatory program for assessing and controlling toxic chemicals to its list of “high risk” government programs that are not working as intended, finding that the EPA has been unable to complete assessments of chemicals of the highest concern. The EPA requires additional authority to obtain health and safety information from the chemical industry and to shift more of the burden to chemical companies to demonstrate the safety of their products. TSCA does not provide sufficient chemical safety data for public use by consumers, businesses, and workers and fails to create incentives to develop safer alternatives; and

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

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

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

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

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

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

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

*Resolved by the Senate and the Assembly of the State of California, jointly,*  
That the California State Legislature urges the President and the 112th

Congress of the United States to enact federal legislation to modernize the federal Toxic Substances Control Act of 1976 by strengthening chemical management through policy reforms that would do all of the following:

(a) Require producers and importers to perform comprehensive toxicity testing on their products and to fully disclose the results of their testing.

(b) Require producers and importers to disclose the identities of chemicals in their products.

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

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

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

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

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

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

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