

HOUSE JOINT RESOLUTION 3

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By: **Delegates Hubbard and Frush**

Introduced and read first time: February 2, 2011

Assigned to: Rules and Executive Nominations

HOUSE JOINT RESOLUTION

1 A House Joint Resolution concerning

2 **Reform of the Federal Toxic Substances Control Act of 1976**

3 FOR the purpose of expressing support for the reform of the federal Toxic Substances
4 Control Act of 1976.

5 WHEREAS, Children and developing fetuses are uniquely vulnerable to
6 harmful health effects from toxic chemicals, and early-life chemical exposures have
7 been linked to chronic disease later in life; and

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

12 WHEREAS, The President's Cancer Panel report released in May 2010 states
13 that "the true burden of environmentally induced cancers has been grossly
14 underestimated"; and

15 WHEREAS, The President's Cancer Panel advised the President "to use the
16 power of your office to remove carcinogens and other toxins from our food, water, and
17 air that needlessly increase health care costs, cripple our nation's productivity, and
18 devastate American lives"; and

19 WHEREAS, Workers in a range of industries are exposed to toxic chemicals
20 that pose threats to their health and cause greater worker absenteeism, more worker
21 compensation claims, and higher health care costs for all; and

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

25 WHEREAS, States bear an undue burden from toxic chemicals, including
26 health care costs and environmental damages; and



1 WHEREAS, The primary federal statute governing toxic chemicals, the Toxic
2 Substances Control Act of 1976 (TSCA), was intended to authorize the U.S.
3 Environmental Protection Agency (EPA) to protect public health and the environment
4 from toxic chemicals; and

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

8 WHEREAS, In the 35 years since the TSCA was passed, the EPA has required
9 chemical companies to test about 200 of the 62,000 “grandfathered” chemicals for
10 health hazards and has issued partial restrictions on five chemicals; and

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

14 WHEREAS, In January 2009, the U.S. General Accounting Office added the
15 EPA’s regulatory program for assessing and controlling toxic chemicals to its list of
16 “high risk” government programs that are not working as intended, finding that:

17 (1) the EPA has been unable to complete assessment of chemicals of
18 highest concern;

19 (2) the EPA needs additional authority to obtain health and safety
20 information from the chemical industry and to shift more of the burden to chemical
21 companies to demonstrate the safety of their products; and

22 (3) the TSCA has not resulted in sufficient chemical safety data for
23 public use by consumers, businesses, and workers, and has failed to create incentives
24 to develop safer alternatives; and

25 WHEREAS, The National Conference of State Legislatures unanimously
26 adopted a resolution in July 2009 that articulated principles for reforming the TSCA
27 and asked Congress to update the law; and

28 WHEREAS, In August 2010, the Environmental Council of States, the national
29 association of state environmental agency directors, unanimously adopted a resolution
30 – “Reforming the Toxic Substances Control Act” – that endorsed specific policy
31 reforms; and

32 WHEREAS, Ten states have come together to launch the Interstate Chemicals
33 Clearinghouse to coordinate state chemical information management programs, and a
34 coalition of 13 states have issued guiding principles for reforming the TSCA; and

35 WHEREAS, 71 state laws on chemical safety have been enacted and signed into
36 law in 18 states with broad bipartisan support during the last 8 years; and

1 WHEREAS, State policy leadership on chemical management, although
2 outstanding, cannot substitute for Congressional leadership to reform the TSCA, a
3 reform that all parties agree is urgently needed; and

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

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

9 RESOLVED BY THE GENERAL ASSEMBLY OF MARYLAND, That members
10 of the General Assembly urge the 112th United States Congress to enact federal
11 legislation to modernize the federal Toxic Substances Control Act of 1976 and
12 strengthen chemicals management through policy reforms that:

13 (1) require chemical manufacturers to prove that all existing and new
14 chemicals are not harmful to human health and provide essential health and safety
15 information about chemicals to inform the market, consumers, and the public;

16 (2) require immediate action to reduce or eliminate the worst
17 chemicals, including persistent, bioaccumulative, and toxic chemicals and other
18 priority toxins to which there is already widespread exposure;

19 (3) preserve the authority of state and tribal governments to operate
20 chemicals management programs that are more protective than the programs of the
21 federal government;

22 (4) establish health safety standards for chemicals that rely on the
23 best available science to protect the most vulnerable among us, including children and
24 developing fetuses;

25 (5) reward innovation by fast-tracking approval of new, demonstrably
26 safer chemicals, and invest in green chemistry research and workforce development to
27 boost American business and create jobs making safer chemical alternatives; and

28 (6) promote environmental justice by developing action plans to
29 reduce disproportionate exposure to toxic chemicals in “hot spot” communities; and be
30 it further

31 RESOLVED, That a copy of this Resolution be forwarded by the Department of
32 Legislative Services to the Maryland Congressional Delegation: Senators Barbara A.
33 Mikulski and Benjamin L. Cardin, Senate Office Building, Washington, D.C. 20510;
34 and Representatives Andrew P. Harris, C. A. Dutch Ruppersberger III, John P.
35 Sarbanes, Donna Edwards, Steny Hamilton Hoyer, Roscoe G. Bartlett, Elijah E.
36 Cummings, and Christopher Van Hollen, Jr., House Office Building, Washington, D.C.
37 20515.

