

Senate Memorial 2

Sponsored by Senators JOHNSON, HANSELL, BOQUIST; Senators BATES, HASS, KNOPP, MONNES
ANDERSON, ROBLAN, STARR, THOMSEN

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Urges Congress to enact legislation to modernize Toxic Substances Control Act.

SENATE MEMORIAL

To the Senate and the House of Representatives of the United States of America, in Congress assembled:

We, your memorialists, the Senate of the State of Oregon, in legislative session assembled, respectfully represent as follows:

Whereas the Toxic Substances Control Act (15 U.S.C. 2601 et seq.) was passed in 1976 and provides the United States Environmental Protection Agency with the authority to regulate reporting and recordkeeping requirements for, and safety testing of, chemical substances and mixtures; and

Whereas certain substances are generally excluded from oversight under the Toxic Substances Control Act, including some foods, drugs, cosmetics and pesticides; and

Whereas current federal chemical policy has not kept up with modern science or understanding of the health and environmental effects and testing of toxic chemicals, which have improved considerably since 1976; and

Whereas since the enactment of the Toxic Substances Control Act, increasing evidence linking toxic chemicals to adverse human health effects has eroded the public's confidence in the safety of consumer products containing toxic chemicals; and

Whereas the inadequacies of the Toxic Substances Control Act have caused the United States to fall behind its trading partners in the quality of the nation's public health and environmental standards, and these failures now threaten the competitiveness of products manufactured in the United States in a world market that increasingly demands safer chemicals and products; and

Whereas in the absence of federal action, many states have passed legislation to regulate individual chemicals and have begun to develop comprehensive state chemical policies in order to establish broad and permanent frameworks for systematically prioritizing chemicals of concern, closing data gaps with regard to the chemicals and restricting use of the chemicals; and

Whereas the National Conference of State Legislatures has proposed that the Toxic Substances Control Act should be updated to reflect advances in science and technology and to better evaluate and regulate chemicals; and

Whereas appropriate modifications to federal law will help enhance public confidence and the efforts of state governments; and

Whereas modernizing the Toxic Substances Control Act can help ensure that we protect the nation's interest in a strong American chemical industry and ensure that the United States produces

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 products that save lives, protect children, make the economy more energy efficient and reduce
2 greenhouse gas emissions; now, therefore,

3 **Be It Resolved by the Senate of the State of Oregon:**

4 (1) The Congress of the United States of America is respectfully urged to enact federal legis-
5 lation to reform and modernize the Toxic Substances Control Act (15 U.S.C. 2601 et seq.) to embody
6 the following policy elements:

7 (a) Persistent, bioaccumulative and toxic chemicals should be phased out of commerce, except
8 when needed for use in critical processes for which viable alternatives are not possible, and expo-
9 sure to other toxic chemicals that have been extensively studied should be reduced to the maximum
10 extent feasible.

11 (b) Research into chemicals and chemical processes designed to reduce or eliminate negative
12 environmental impacts of chemicals should be expanded and safer chemicals favored over those with
13 known health hazards.

14 (c) Chemical manufacturers should bear the burden of proof of safety of their products and
15 should be required to provide, in a manner accessible to the public, to workers at the chemical
16 manufacturing companies and to other businesses, full disclosure of the health hazards associated
17 with chemicals the manufacturers produce, how the chemicals are used and the ways that workers
18 and the public could be exposed.

19 (d) All chemicals should be assessed against a health standard that protects the environment
20 and all people, especially the most vulnerable populations, including children, low-income families,
21 racial and ethnic minorities, workers and pregnant women.

22 (e) The Environmental Protection Agency should adopt the recommendations of the National
23 Academy of Sciences for reforming risk assessment, and biomonitoring by the Centers for Disease
24 Control and Prevention should be significantly expanded and used by the agency to assess the ef-
25 fects of pollution on people.

26 (f) Because state governments play a critical role in environmental regulation, states' rights to
27 regulate chemicals should be preserved and resources should be provided for implementation of
28 chemical regulations at the state level.

29 (g) The Environmental Protection Agency should continue to provide appropriate contextual
30 materials to affected communities to accompany Toxics Release Inventory reports, ensuring that
31 emergency response agencies understand and are able to respond safely to chemical releases and
32 can protect those who live in the vicinity of facilities required to file Toxics Release Inventory re-
33 ports.

34 (h) The Environmental Protection Agency should continue working to ensure that reported data
35 are communicated to the public in an understandable manner that includes a description of the risk
36 of release that specific chemicals pose to the public and to emergency response teams, how materials
37 and chemicals are managed to control release and an assessment of the risks to public health and
38 welfare in the event of regulated or accidental releases.

39 (2) A copy of this memorial shall be sent to each member of the Oregon Congressional Delega-
40 tion.

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