

Core Elements of Policy to Reduce PBTs

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States are Acting

- States are acting because of rising consumer demand, ongoing environmental threats and a growing sense that businesses are ripe for change.
- States have to deal with consequences of chemicals getting into the environment programs (e.g. fish consumption advisories)
- States goal: Protect citizens, prevent pollution upstream and encourage producers to innovate and create chemicals without these properties



States are not acting in a vacuum – International Actions

- Stockholm Convention
- EU - REACH- phase out of PBTs
- Canada - prioritized PBTs for assessment
- Japan - hazard based system

Federal Law is outdated

- Toxic Substances Control Act (1976) outdated
- Lack of federal action or certainty that federal action will actually address the problem.

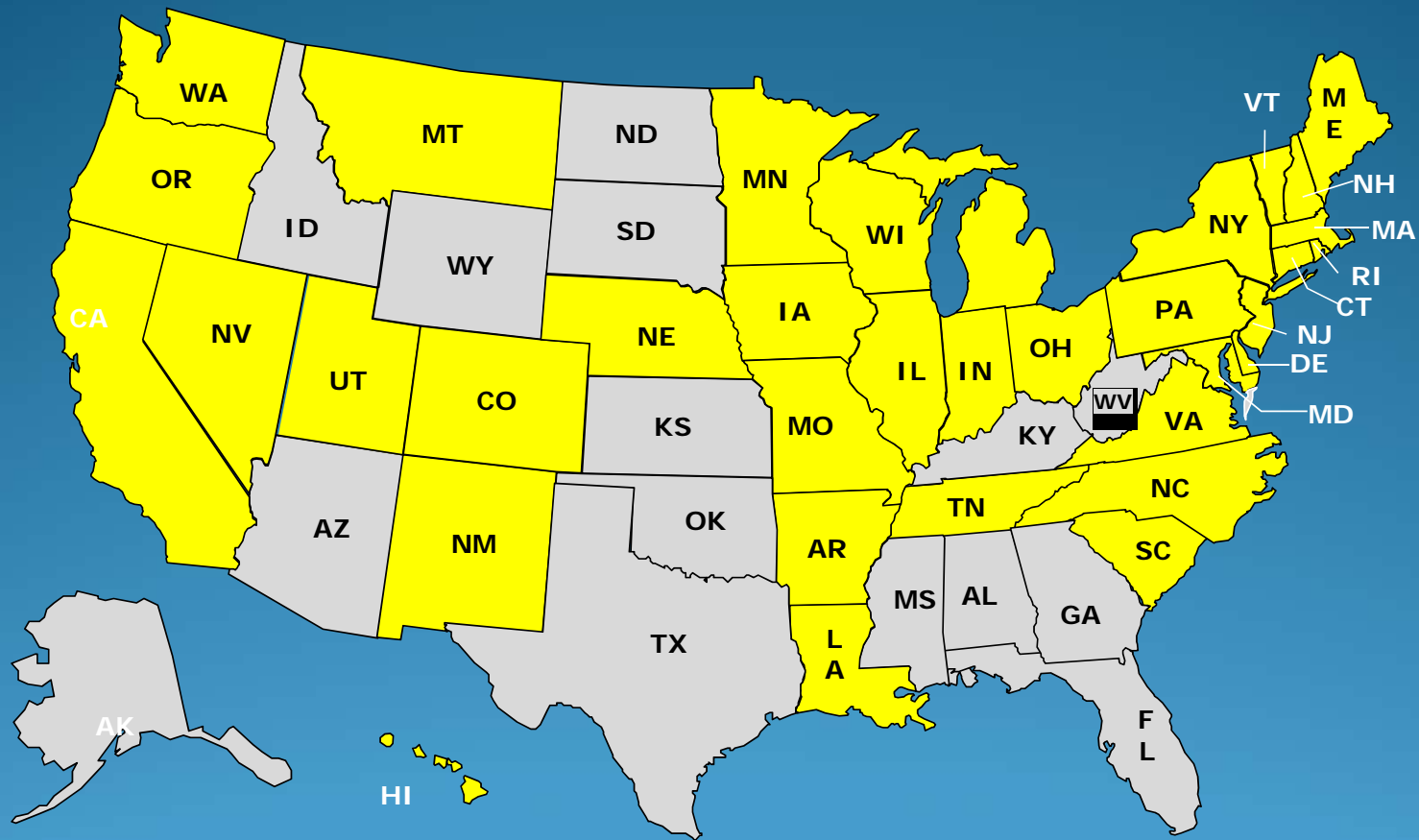


States have taken four types of actions related to PBTs

- List to allow state governments to prioritize
- Require manufacturers to disclose chemicals used in certain products
- Actual restrictions or prohibitions on use
- State procurement



Toxics Policy Enacted 2003 – 2014



169 policies enacted in 35 states (AR, CA, CO, CT, DE, HI, IA, IL, IN, LA, MA, MD, ME, MI, MN, MO, MT, NC, NE, NH, NJ, NM, NV, NY, OH, OR, PA, RI, SC, TN, UT, VA, VT, WA, WI)

Lists for prioritization

- PBTs are a criteria for listing
 - Washington Kid Safe Product Act
 - Vermont Kid Safe Product Act
 - Minnesota Toxic Free Kids Act
 - California Green Chemistry Initiative
 - Maine Kid Safe Product Act





Washington PBT Rule

- Washington PBT Rule (2006) includes list of PBT chemicals
 - List periodically updated
 - Chemical Action Plans (CAP)
 - Identify, characterize and evaluate all uses and releases of a specific PBT, a group of PBTs or metals of concern, recommend actions to protect human health and the environment
 - CAP's completed on mercury, PAHs, lead and PBDEs which led in some instances to restrictions
 - Currently doing a CAP for PCBs because of Spokane River (contaminant in products including inks and dyes)



Requiring Disclosure

- Washington – 66 chemicals of concern in children’s products – many are PBTs including cadmium & certain flame retardants
 - Requires tiered disclosure, first release of data August 2012
- Vermont – Follows WA model, first data likely 2016
- Maine – Two priority chemicals to date including nonylphenol
- California – three chemicals in product categories
- New York cleaning product ingredient disclosure (1971)



Toxics Use Reporting Act - MA

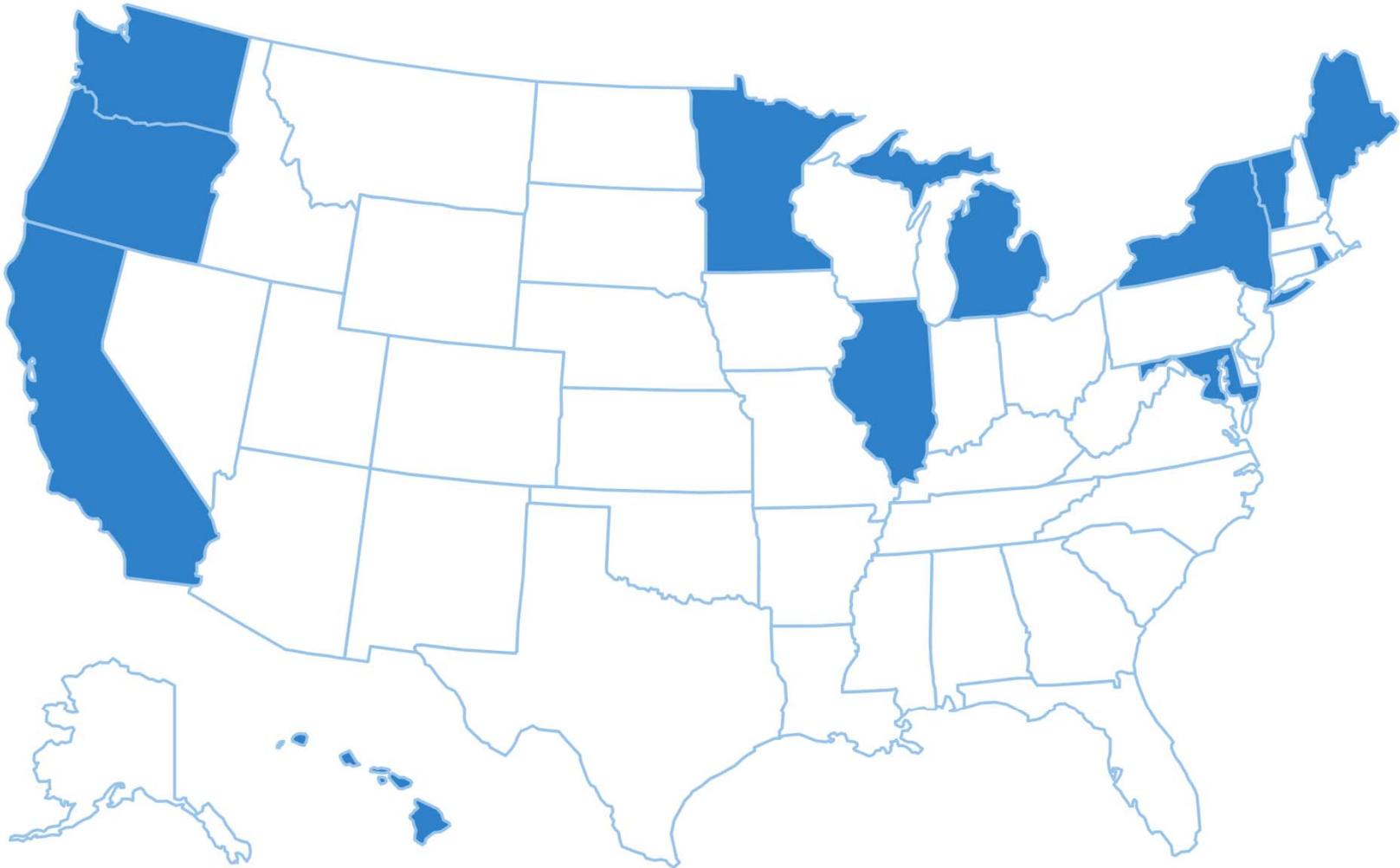
- Requires toxics use reduction planning for companies of a certain size using toxic chemicals.
- Large Quantity Users – Measured in 100 pounds, 10 pounds or .1 gram for PBTs
 - Chlordane – 10 lbs
 - Dioxin - .1 gram
 - Tetrabromobisphenol A – 100 lbs
 - Mercury – 10 lbs
 - Octachlorostyrene – 10 lbs



Chemical Specific Restrictions

- Mercury – Thirty states (thermostats, mercury switches)
- Lead – Twelve states (wheel weights, toys)
- Cadmium – Seven states (brake pads, jewelry)
- PCBs – new action in WA in 2014

Enacted Flame Retardant Policy 2003 – 2014



28 policies in 12 states: CA, HI, IL, ME, MD, MI, MN, NY, OR, RI VT



State Procurement

- A dozen states now with green procurement policy
 - New York Green Procurement Executive Order
 - Oregon Green Chemistry Executive Order (2012)
 - Frame leave no space for PBTs
- Several jurisdictions require PBT free purchasing
 - Including Seattle, New York City, Portland and others



Where are the States Heading?

- Trend is toward disclosure of PBTs, particularly their use in products.
- Continued prioritization of PBTs
- Policy that addresses classes of chemicals and creates incentives for safer alternatives
 - Brominated and Chlorinated Flame retardants
- More green procurement policy that prohibits use of PBTs/creates incentives for innovation.

Thank You

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