

SENATE JOINT RESOLUTION 725

By Marrero

A RESOLUTION urging the United States Congress to enact legislation to modernize the Toxic Substances Control Act of 1976.

WHEREAS, children and the developing fetus 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 that "the true burden of environmentally induced cancers has been grossly underestimated," and the panel advised the President "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, worker compensation claims, and health care costs that burden the economy; and

WHEREAS, a recent national poll conducted by the Mellman Group found that seventy-eight percent (78%) of likely 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, thereby disadvantaging businesses who lack information on chemicals in their supply chain and increasing demands for state regulation; and

WHEREAS, the primary governing federal statute, the Toxic Substances Control Act of 1976 (TSCA), was intended to authorize the U.S. 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 thirty-five years since TSCA passed, 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, in January 2009, the U.S. 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:

- EPA has been unable to complete assessments even of chemicals of highest concern;
- 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 TSCA reform and called on Congress to act to update the law; and

WHEREAS, in August 2010, the Environmental Council of 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 to coordinate state chemical information management programs, and a coalition of thirteen states issued guiding principles for TSCA reform; and

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

WHEREAS, state policy leadership on chemical management, although outstanding, cannot substitute for Congressional leadership to reform TSCA, a reform that 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 OF THE ONE HUNDRED SEVENTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES CONCURRING, that we hereby urge the United States Congress to enact legislation to modernize the Toxic Substances Control Act of 1976 to strengthen chemicals management through policy reforms that:

- Require chemical manufacturers to prove that all existing and new chemicals are not harmful to human health, and provide essential health and safety information on chemicals to inform the market, consumers, and the public;
- Require immediate action to reduce or eliminate the worst chemicals, including persistent, bioaccumulative and toxic chemicals (PBTs) and other priority toxics to which there is already widespread exposure;
- Preserve the authority of state and tribal governments to operate chemicals management programs that are more protective than the federal government's;

- Establish health safety standards for chemicals that rely on the best available science to protect the most vulnerable among us, such as children and the developing fetus;
- Reward innovation by fast-tracking approval of new, demonstrably safer chemicals, and invest in green chemistry research and workforce development to boost American business and spurs jobs making safer alternatives; and
- Promote environmental justice by developing action plans to reduce disproportionate exposure to toxic chemicals in "hot spot" communities.

BE IT FURTHER RESOLVED, that an enrolled copy of this resolution be transmitted to the Speaker and the Clerk of the U.S. House of Representatives, the President and the Secretary of the U.S. Senate, and to each member of Tennessee's Congressional delegation.