



NATIONAL  
POLLUTION PREVENTION ROUNDTABLE

# *The End of the Age of Innocence: U.S. Chemicals Policy*

## *States leadership on sustainable chemicals management*

Ken Zarker, Co-chair

P2 Policy and Integration Committee

2008 Green Chemistry and Commerce Innovators Roundtable

July 11, 2008

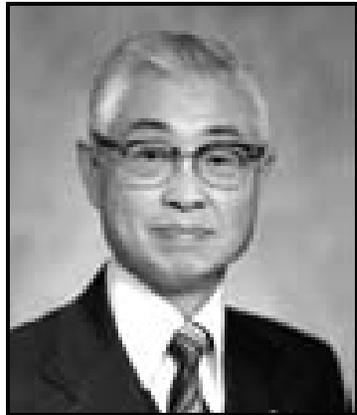
Portland, Oregon

# Emerging States Chemicals Policy Framework



- Ban toxic chemicals (flame retardants/phthalates)
- Move away from “chemical by chemical” approach.
- Proactive to address global chemicals policy.
- Collaboration & focus on high priority chemicals.
- Safer Chemical Alternatives.
- Green Chemistry Innovation & Economic Opportunity

# What does state chemicals policy reform look like?



*Pollution is waste, and waste leads  
to shortages tomorrow...*

*Dr. Joseph Ling*



# History of state level chemicals policy

- Hazard Communication/right to know
- Pollution Prevention
- State level restrictions
- Packaging/labeling
- Overarching strategies
- Local, State and regional
  - Great Lakes
  - New England Governors



**Governor Jennifer M. Granholm**

# Michigan Green Chemistry Action Plan

- Define parameters of the Green Chemistry Program.
- Build a database of Green Chemistry activities in Michigan.
- Create a Green Chemistry "brand."
- Green Chemistry Research & Education Conference.
- Develop an annual Green Chemistry Awards Program.
- Set the groundwork for long-term Green Chemistry efforts that will benefit the economy, environment, and health.
- Establish opportunities for sustainable adoption of Green Chemistry within education.

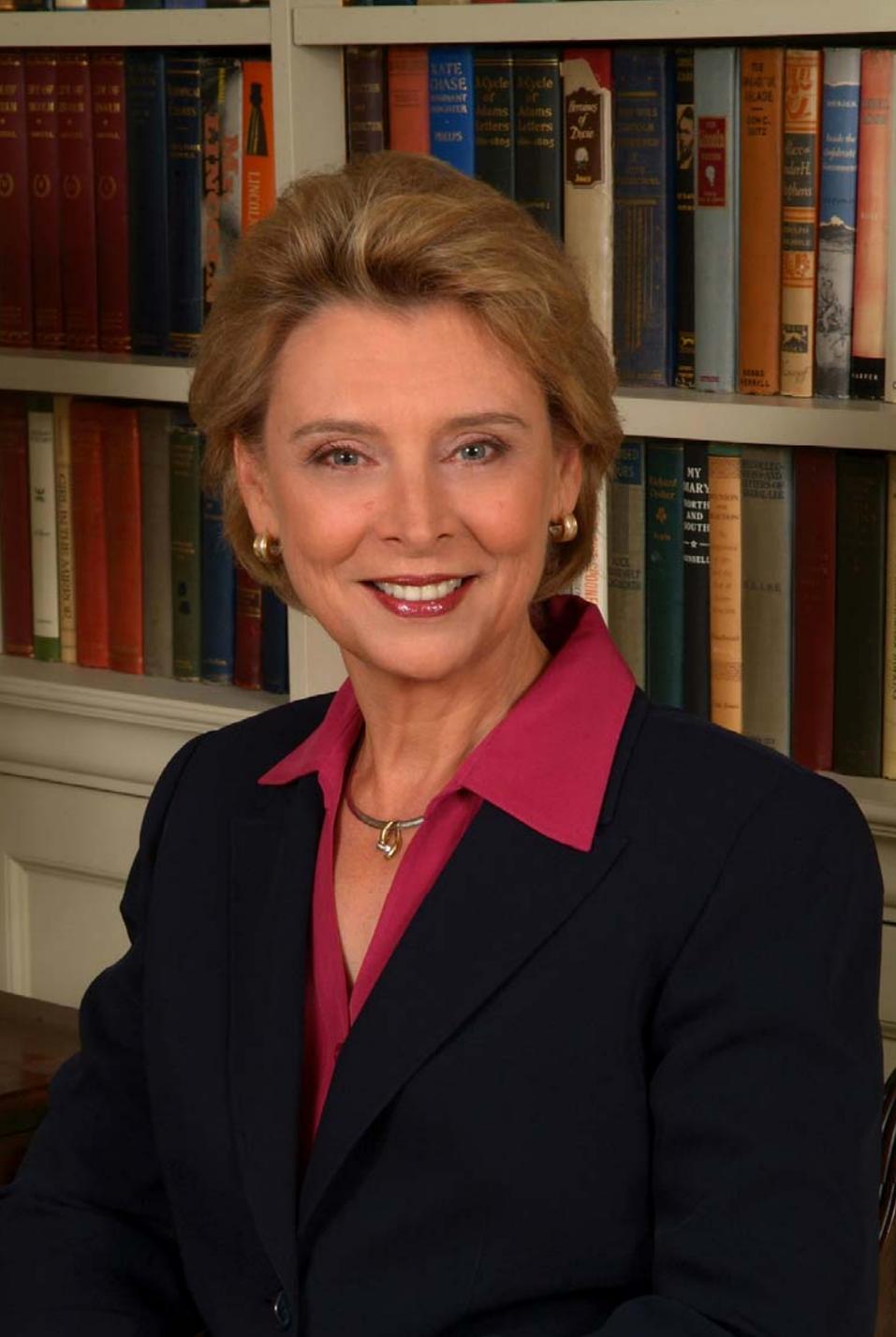
“I do not believe that addressing this type of concern in the legislature on a chemical by chemical, product by product basis is the best or most effective way to make chemical policy in California.”

Governor Schwarzenegger’s Signing Statement for Assembly Bill 1108 (phthalates).

Ca/EPA Green Chemistry Initiative:

<http://www.calepa.ca.gov/>





*“However, the toy recalls from last year make it clear: **We can’t wait any longer for the federal government to take action.** For these reasons, I am pleased to sign legislation that will lead to high standards for toys and other children’s products sold in Washington state. Our children need and deserve nothing less.”*

**Governor Chris Gregoire signing  
HB 2647**

**April 1, 2008**



# WA Children's Safe Products Act (HB 2647)

Beginning July 1, 2009, manufacturers, wholesalers, and retailers are prohibited from manufacturing, selling, offering for sale, distributing for sale, or distributing for use a children's product or product component that contains:

- Lead at more than .009 percent by weight (90 ppm);
- Cadmium at more than .004 percent by weight (40 ppm); or
- Phthalates at more than 0.1 percent by weight (100 ppm).



# WA Children's Safe Products Implementation

- Rulemaking to clarify that electronic components that are internal to children's products and not accessible during the products' intended use are outside the regulatory scope of this legislation and rule.
- High priority chemicals of high concern to children & children's products that contain them.



***“Maine is a leader in protecting our children from harmful chemicals”***

**Governor John E. Baldacci**  
signing LD 2048

May21, 2008

# Comparison of Maine and Washington 2008 Children's Product Safety Laws

## Maine

### 1. Identification of Priority Chemicals

DEP with CDC publishes list of "chemicals of high concern" from existing government lists

Similar provision

DEP convenes stakeholders to advise on designation of priority chemicals, **Summer 2008**

From the list of chemicals of high concern, DEP in consultation with stakeholders designates at least 2 "priority chemicals" by **1/1/2011**

Part 2

### 1. Identification of High Priority Chemicals

Ecology in consultation with DOH identifies 50 high priority chemicals of high concern to children based on exposure potential & EU and CA safety testing

Ecology identifies products or product categories that may contain chemicals identified as high priority

Ecology submits report on chemicals of high concern and children's products/product categories to Legislature, along with policy options for addressing products identified and consumer education, **1/1/2009**

Deadline of **1/1/2010** vetoed to finalize list of high priority chemicals.

## Washington

### 2. Advisory Group

Governor establishes advisory group to work with Ecology and DOH (**no end date noted**):

- Make sure bill is implemented with common sense
- Recommend rules and changes as needed with regard to car seats
- Look at standards for outer surface and inside of toys, timelines required to meet new standards
- Develop recommendations for legislation next session for safe products in a manner practical and achievable for industry

2009 Legislature considers policy options and any proposed changes to 2008 bill.

**END OF CURRENTLY DEFINED ACTION STEPS**

### 3. Pb, Cd, Phthalate Ban

Ecology initiates expedited rulemaking to clarify that internal electronic components are not impacted by Pb, Cd, and phthalate ban

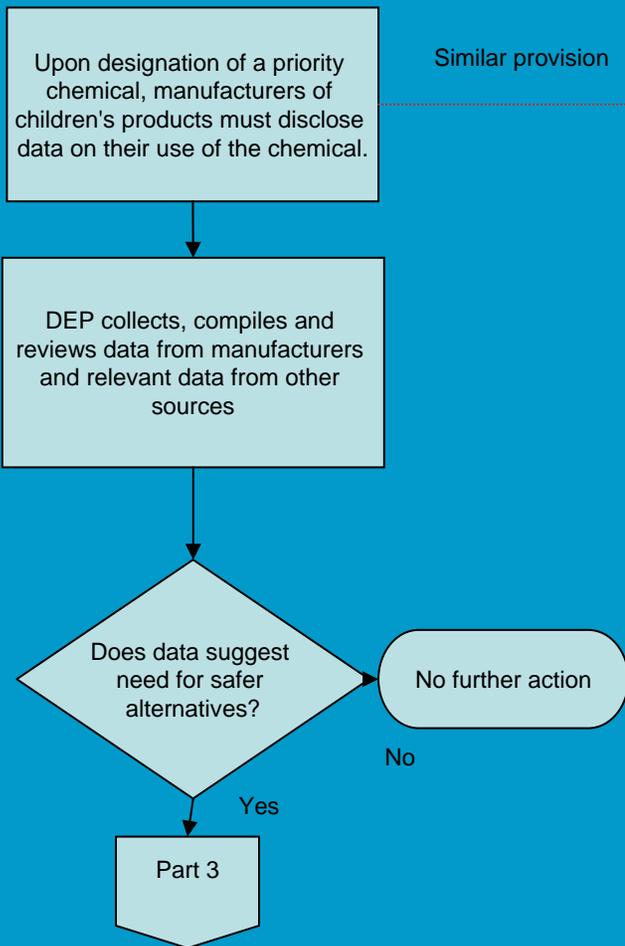
Ban on sale and distribution of children's products containing lead, cadmium, or phthalates above *de minimus* levels,

**7/1/2009**

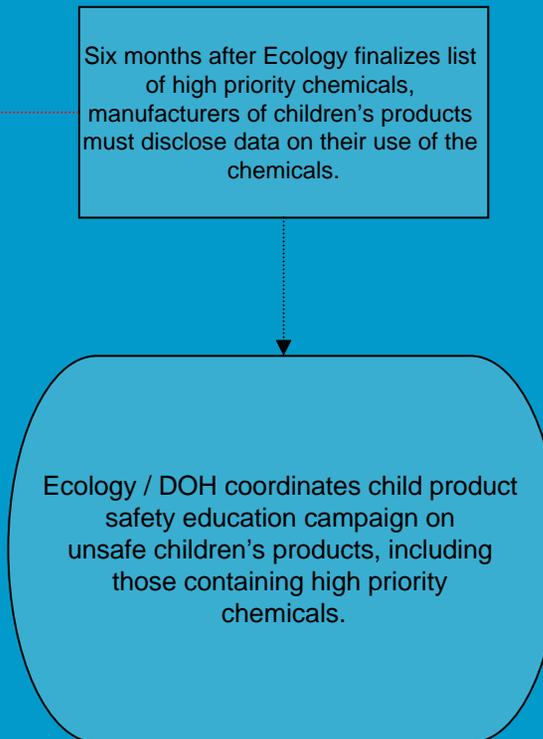
# Comparison of Maine and Washington 2008 Children's Product Safety Laws

## Maine

### 2. Collection and Review of Data on High Priority Chemicals



## Washington



The reporting requirement is not scheduled to go into effect, because it depends on a finalized high priority chemical list, the deadline for which was vetoed.

The Governor retained the reporting requirement "as a future tool for ensuring the safety of our children, as needed." The veto calls for a review of the extent of reporting, duplication with current industry testing, CBI concerns, and efficient implementation.

END OF WA FLOWCHART

# Comparison of Maine and Washington 2008 Children's Product Safety Laws

## Maine

### 3. Identification of safer alternatives

DEP requests alternatives assessment from manufacturers of children's products that contain the chemical

DEP collects and reviews information on availability and safety of alternatives

Are safer alternatives available?

No  
No further action

Yes

### 4. Restrictions on the sale of children's products

Board of Env. Protection initiates major substantive rulemaking to ban the sale of children's products that contain the priority chemical

BEP solicits, reviews and responds in writing to comments from interested parties

BEP provisionally adopts rule  
No  
No further action

Legislature approves final rule adoption  
No  
No further action

Yes  
Sale of product banned

Similar to WA ban on children's products containing Pb, Cd, and phthalates above *de minimus* levels, effective 7/1/2009.

# **Substitute HB 5650 Connecticut Child Product Safety Act**



**Governor M. Jodi Rell, 87th Governor of  
Connecticut signing HB5650 on June 2, 2008**



# SHB 5650 Excerpt: Interstate Chemicals Clearinghouse

The Commissioner of Environmental Protection may, within available appropriations, participate in an interstate clearinghouse to

- (1) classify chemicals existing in commercial goods into one of the following four categories:
  - (A) High concern, (B) moderate concern, (C) low concern, or (D) unknown concern;
- (2) organize and manage available data on chemicals, including, but not limited to, information on uses, hazards and environmental concerns associated with chemicals;



# SHB 5650 Interstate Chemicals Clearinghouse

- (3) produce and inventory information on safer alternatives for specific uses of chemicals and model policies and programs related to such alternatives;
- (4) provide technical assistance to businesses and consumers relating to safer chemicals;  
and
- (5) other activities.



# Contact Information

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