

1 HOUSE JOINT RESOLUTION NO. 12

2 INTRODUCED BY M. REINHART

3

4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF
5 MONTANA SUPPORTING CONGRESSIONAL REFORM OF THE TOXIC SUBSTANCES CONTROL ACT.

6

7 WHEREAS, children and pregnant women are uniquely vulnerable to the health threats of toxic
8 chemicals, including effects on fetal development, and exposure to chemicals early in life has been linked to the
9 incidence of chronic disease later in life; and10 WHEREAS, a growing body of peer-reviewed scientific evidence links exposure to toxic chemicals to
11 many diseases and health conditions that are increasing in incidence, including childhood cancers, prostate
12 cancer, breast cancer, learning and developmental disabilities, infertility, and obesity; and13 WHEREAS, a report released in May 2010 by the President's Cancer Panel, which was appointed by
14 President George W. Bush, stated that "the true burden of environmentally induced cancer has been grossly
15 underestimated", and the panel advised the President "to use the power of your office to remove the carcinogens
16 and other toxins from our food, water, and air that needlessly increase health care costs, cripple our nation's
17 productivity, and devastate American lives"; and18 WHEREAS, workers in a range of industries are exposed to toxic chemicals that pose a threat to their
19 health, increasing worker absenteeism, workers' compensation claims, and health care costs that burden the
20 economy; and21 WHEREAS, a recent national poll conducted for the Safer Chemicals, Healthy Families coalition found
22 that 78% of likely American voters were seriously concerned about the threat to children's health from exposure
23 to toxic chemicals in day-to-day life; and24 WHEREAS, the Montana Department of Public Health and Human Services estimates that
25 environmentally related diseases cost \$404.6 million each year in Montana, including health care costs and costs
26 related to the loss of productivity in Montana's economy resulting from diseases and conditions such as child lead
27 poisoning, childhood asthma, neurodevelopmental disorders, birth defects, and cancer; and28 WHEREAS, the primary federal statute governing toxic chemicals, the Toxic Substances Control Act of
29 1976 (TSCA), was intended to authorize the United States Environmental Protection Agency (EPA) to protect
30 public health and the environment from toxic chemicals; and

1 WHEREAS, when the TSCA was passed, approximately 62,000 chemicals used in commerce were
2 "grandfathered in" without any required testing for health and safety hazards or any restrictions on usage of those
3 chemicals; and

4 WHEREAS, the EPA was unable to regulate asbestos under the TSCA; and

5 WHEREAS, if the EPA had been able to regulate asbestos, there may have been more immediate action
6 and remediation of tremolite asbestos contamination in Libby; and

7 WHEREAS, in the 35 years since the TSCA passed, the EPA has required chemical companies to test
8 only about 200 of those chemicals for health hazards and has issued partial restrictions on only 5 chemicals; and

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

12 WHEREAS, in January 2009 the United States General Accounting Office (GAO) added the EPA's
13 regulatory program for assessing and controlling toxic chemicals to its list of "high risk" government programs
14 that are not working as intended; and

15 WHEREAS, the GAO found that the EPA has been unable to complete assessments even for the
16 chemicals of highest concern; and

17 WHEREAS, the GAO found that the EPA requires additional authority to obtain health and safety
18 information from the chemical industry and to shift more of the burden to chemical companies to demonstrate the
19 safety of their products; and

20 WHEREAS, the GAO found that the TSCA does not provide sufficient chemical safety data for public use
21 by consumers, businesses, and workers and fails to create incentives to develop safer alternatives; and

22 WHEREAS, the National Conference of State Legislatures unanimously adopted a resolution in July 2009
23 that articulated principles for reform of the TSCA and called on Congress to act to update the law; and

24 WHEREAS, in August 2010 the Environmental Council of States unanimously adopted a resolution
25 entitled "Reforming the Toxic Substances Control Act", which endorsed specific policy reforms; and

26 WHEREAS, 10 states have come together to launch the Interstate Chemicals Clearinghouse to
27 coordinate state chemical information management programs; and

28 WHEREAS, a coalition of 13 states issued guiding principles for reform of the TSCA; and

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

1 WHEREAS, the Montana Legislature enacted the "Mercury-Added Thermostat Collection Act" in 2009
2 to protect children's health from mercury with broad bipartisan support; and

3 WHEREAS, state policy leadership on chemical management, although outstanding, cannot substitute
4 for Congressional leadership to reform the TSCA, reform which all parties agree is urgently needed; and

5 WHEREAS, federal legislation to substantially reform the TSCA was introduced during the 109th
6 Congress in 2005, the 110th Congress in 2008, and again in the 111th Congress in 2010.

7
8 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
9 STATE OF MONTANA:

10 That the 62nd Legislature encourages the 112th United States Congress to enact federal legislation to
11 modernize the Toxic Substances Control Act of 1976 to strengthen chemicals management through policy
12 reforms that:

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

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

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

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

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

26 (6) promote environmental justice by developing action plans to reduce disproportionate exposure to
27 toxic chemicals in "hot spot" communities.

28 BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to the President
29 of the United States, the Montana Congressional Delegation, the Majority Leader of the United States Senate,
30 and the Speaker of the United States House of Representatives.

31 - END -