

OPPOSE

LD 1129 An Act To Provide the Department of Environmental Protection with Regulatory Flexibility Regarding the Listing of Priority Chemicals

Sponsor: Representative Hamper

Co-Sponsors: (NONE)

Summary: This bill would effectively gut the Kid-Safe Products Law, making it virtually meaningless. The Kid-Safe Products Law works to protect Maine children from toxic chemicals, by having the state's experts on chemical toxicity review the science and bring proposals to the legislature to restrict the most hazardous chemicals that threaten children's health in consumer products.

Explanation¹: This legislation would weaken the law just as effectively as an outright repeal by:

1. **Eliminating health protections for developing babies in the womb** (through exposure to pregnant women) who are uniquely vulnerable to toxic chemicals during critical stages of development by limiting those protected to only children under age 12
2. **Eliminating health protections for teenagers** vulnerable to toxic chemicals during puberty (another critical stage of development) by limiting those protected to only children under age 12
3. **Putting all children at greater risk** by taking an unrealistically narrow view of what products children come in contact with and limiting action on just those products marketed specifically for young children
4. **Ignoring best available science** by favoring industry toxicity studies over independent peer-reviewed research & rejecting evidence of harm from animal tests
5. **Rolling back the long list of Chemicals of High Concern**, which currently requires no action but is simply a tool for further assessment under the law
6. **Crippling the short list of Priority Chemicals**, which are subject to regulation in products, by substantially increasing the burden on state government far beyond what scientific best practices would recommend before new chemicals are added, as well as authorizing the state to easily revoke existing chemicals
7. **Stonewalling common-sense restrictions on dangerous products** by creating new benchmarks for action that are not based on sound science and would create significant financial burdens on state government and taxpayers.
8. **Effectively repealing the BPA rule** by creating a reporting threshold that is far higher than the science supports and doesn't account for the proven effects of low dose exposures to BPA. The state would be authorized to revoke the designation of BPA as a priority chemical and effectively exempt product makers from reporting BPA used in toys, infant formula cans, baby food jars, child care articles and tableware
9. **Eliminating democratic rights of all Mainers** by singling out the Kid Safe Products Act for an unprecedented exemption from the Administrative Procedures Act that would prohibit Maine citizens from petitioning their government to initiate rulemaking
10. **Surrendering Maine's right to act independently** by authorizing exemptions for any chemical or product that is "regulated" by the federal government or international treaty, no matter how minimal or ineffective that regulation might be
11. **Threatening wildlife and the environment** by eliminating whether disposal of the products results in chemical exposure or whether the chemical builds up in wildlife and the environment as a factor in regulating a priority chemical in products
12. **Eliminating the safer alternatives assessment language**, which effectively prevents the evaluation and consideration of safer alternatives to priority toxic chemicals.

¹ Much of Explanation section used by permission from the Alliance for a Clean and Healthy Maine, www.cleanandhealthyme.org