

There's no place for toxic chemicals in everyday products.



Maine Sure Maine's Kid Safe Products Law Works

Maine's groundbreaking Kid-Safe Products Law, passed in 2008, is being put into effect to protect our children from hazardous chemicals in everyday products. In July 2009, Maine named over 1,700 Chemicals of High Concern already known to be hazardous. Now policies are being established to pick Priority Chemicals (the worst of the worst chemicals targeted for immediate action) and ensure that Maine has the resources to make the law work.

The Maine Board of Environmental Protection is holding a public hearing and public comment period about these proposed rules to implement the Kid-Safe Products Act (KSPA). The chemical industry and some manufacturing companies are trying to use these rules to undercut the KSPA and delay its implementation. Public health advocates support immediate adoption of the rules because they are fair and sensible, and are based on specific standards developed over several years and adopted almost unanimously by the Maine Legislature.

- * **What's At Stake** – The Kid-Safe Products Act will either move forward to identify the worst chemicals used in everyday products and require companies to report if they use those chemicals in everyday products and look for safer alternatives, or implementation of the law will be stalled or weakened.

Hazardous Chemicals Don't Belong in Products that Expose our Children

The Kid-Safe Products Act (KSPA) makes it state policy that hazardous chemicals don't belong in products that our children will encounter. The KSPA requires Maine to address chemicals based on their inherent hazards (like whether they cause learning disabilities or cancer). It also allows Maine to name "Priority Chemicals" that are especially dangerous to children, and require companies to tell us which Priority Chemicals they use in their products, and research whether there are safer chemicals they could use instead.

Maine has named over 1,700 chemicals already determined to be hazardous. The next steps to putting the KSPA into effect are to: (1) establish policies for naming Priority Chemicals; and (2) allow the Maine Department of Environmental Protection to raise funds to cover its cost to collect data on priority chemicals and ensure alternatives assessments are done.

The Maine Board of Environmental Protection (BEP) is considering rules to do those two things. These rules have been proposed after an open stakeholder process, and after much thought and consideration by the Department of Environmental Protection (DEP).

The chemical industry and their allies (such as manufacturing companies that want to continue using hazardous chemicals in their products) want Maine to wait for decades of

scientific debate about exactly how many children are being harmed before acting, even when we already know that a chemical is harmful. They also want to starve the state of resources needed to make sure that companies comply with the law.

Focus on Chemicals Already Known to be Hazardous

The Kid-Safe Products Act focuses on the worst of the worst chemicals used in products that Maine children may encounter. Under the KSPA, the DEP can name Priority Chemicals targeted for immediate action. When a chemical is named as a Priority Chemical, companies must report if they use it in their products, and research whether a safer chemical is available and affordable. This approach focuses on a few of the worst chemicals at a time, and focuses the attention of companies and government on a search for safer alternatives to chemicals already known to be highly hazardous.

The proposed rules would establish the criteria and process to name Priority Chemicals, based on specific standards defined in the Kid-Safe Products Act (like whether a chemical is already known to be hazardous, and has been found in people or homes).

- ✱ The Alliance for a Clean and Healthy Maine SUPPORTS the proposed rule on designation of Priority Chemicals and recommends that the Board of Environmental Protection adopt the rule without delay.

Disclose Which Chemicals Are Used in Which Products, and Make Sure we Find Safer Alternatives to Priority Chemicals

The Kid-Safe Products Act requires companies that use designated Priority Chemicals to report which of their products contain the chemical, the amount of the chemical used in each product, and why the chemical is used in the product. The law also requires companies that use Priority Chemicals to research whether a safer chemical could be used instead, and allows DEP to commission its own assessment of alternative chemicals if a company doesn't submit a proper one.

The proposed rules allow DEP to collect fees from companies that use Priority Chemicals in their products to cover the Department's costs of managing that data, and cover the cost of producing an independent alternatives assessment if necessary. Unless DEP has the resources to collect and process the information submitted by manufacturers, we will never learn which hazardous chemicals are used in which products or why. Unless DEP can commission independent alternatives assessments when companies don't do an adequate one themselves, we'll never really know if safer alternatives to hazardous chemicals could be used or not.

- ✱ The Alliance for a Clean and Healthy Maine SUPPORTS the proposed rule on collection of fees to cover costs of administering the Kid-Safe Products Act and recommends that the Board adopt the rule without delay.