

Washington Toxics Reduction Strategy Group Meeting #2

Friday, October 25, 2012

Updates

- Prior to the meeting, an addendum to the background research memo on the health effects of toxic chemicals was distributed to the group.
- Ecology is convening a dialogue between the Port of Seattle, environmental groups, and other stakeholders to discuss industrial stormwater permitting, including major issues such as zinc from tires. The actions that result from that conversation will be relevant to this group's discussion and may move forward in tandem with the outcome of this group.
- Ecology is convening a policy roundtable to advise the rulemaking process for state water quality standards; that effort will kick off on Monday October 29th.

Structure and Framework for the Final Product

The workgroup discussed the draft framework that was distributed prior to the meeting, offering feedback and new ideas for the final product that the group will produce. These included:

- The problem statement itself is an important outcome of this workgroup.
- There is value in a cogent statement that policymakers can use to decide on future toxics reduction efforts, the principles are valuable from this perspective.
- The final product should live on in some form, whether through continued action from this group or through other avenues. Some workgroup members strongly support continued action from the TRS group.
- The framework should present options for avoiding sending "postcards to the future" in the form of toxic legacies that future generations will have to clean up.

Problem and Goal Statement

The workgroup discussed the draft problem and goal statement that was distributed prior to the meeting. The workgroup generated feedback and ideas developing for the problem and goal statement.

- The problem statement should address:
 - Legacy contamination
 - Product regulation
 - Exposure pathways
 - Investment prioritization
 - Low-hanging fruit (addressing easily avoidable pollution streams)
 - Increasing urgency of addressing toxic chemicals with increasing population
 - The problem of current policy focus on reactive approaches instead of proactive approaches to toxics
- The final product could be framed around the context of the **most important chemical challenges in Washington State**. Ecology noted that it is difficult to identify the most important challenges facing the State because of lack of information on chemicals and products. The group discussed a number of factors that might be considered when determining what chemicals or classes of chemicals are most important including: quantity, exposure pathways and exposed populations (e.g. children's products), toxicity or accumulation in water, the amount of the chemical or class of chemicals being found in the environment and environmental endpoints,

toxicity or accumulation in fish (particularly salmon) or other biota, persistence, loadings to Puget Sound, or other environmental loadings.

- The goal statement should be concrete and measurable, and should align with specific actions that can be taken at the state level. An example goal could be for ten percent of vehicles to be fueled by natural gas by 2030. The principles should serve as high-level guidance, and then the final product can articulate specific goals and actions toward those goals. The goal statement as written is too ambitious in scope, and unactionable.

Potential Actions Moving Forward

The workgroup discussed potential actions to reduce toxics in Washington. They discussed dividing actions into two “buckets” actions that are oriented towards making improvements to the system(s) for toxics identification and reduction over time and actions that are oriented towards making progress on specific, known, existing problems. Ideas that the group discussed include:

System Improvement:

- Create a specific list of the **most important toxic challenges in Washington State**, which could include classes of chemicals, exposure pathways, individual chemicals, or others. This list should help orient potential solution in the context of the most pressing problems.
- Establish a **liability connection** between chemical manufacturers and the actors who are responsible for dealing with chemicals. Require companies to take back products if they are shown to contain chemical that are toxic. This approach may be more effective and realistic than attempting to prove that all chemicals are safe before they can be used. The creation of a liability linkage also would encourage companies to distribute liability across their supply chains.
 - A **safe harbor provision** that would allow companies to be immune from penalties if they commit to a cradle-to-cradle product approach.
 - Create liability links such that toxic chemical manufacturers will be held liable when toxic chemicals are found in the environment (e.g. PBDEs in orca whales).
 - Concerns about the viability of such an approach also were expressed.
- A **positive labeling** program that would allow product manufacturers to opt into a certification that would inform consumers that they are purchasing a product that meets toxic-free standards. The positive label would help avoid the challenging political consequences that can accompany negative labeling.
 - Communicate with **existing labeling and sustainability initiatives** (e.g. LEED, Wal-Mart’s sustainability program) to encourage them to include toxics standards in their requirements.
 - Concerns about the effectiveness and viability of labeling also were expressed.
- A **public awareness and education campaign**, potentially in tandem with a labeling program, to inform consumers about toxics in products and safer alternatives. Consumers should be provided with much more information about the presence of toxics in products than is currently available. Education efforts should be targeted toward providing people with specific, actionable information that can inform their decisions.
- A mechanism to convene a **knowledge center** that would gather information and determine what is most important to communicate to the public. This knowledge center could be independent of government, and include representatives from industry, NGOs, academia, and other stakeholders.

- **Green chemistry** and **green design**, potentially through a public/private partnership that could provide trusted information on these issue and support product testing and process improvements (e.g., lean activities).
- Alternative, **proactive approaches** to the existing regulatory framework to more effectively reduce toxics.
- An **analysis of Ecology’s toxics reduction programs** and their relative effectiveness, or a list of the programs that have been most effective

Specific approaches:

Many of the more systems oriented approaches could initially be used for priority products, processes, classes of chemicals, or settings. Other specific approaches include:

- Encourage work toward **safer alternatives in products** through a regulatory trigger that would ban the less safe options as soon as options with safer alternatives are available.
- Engage in **collaborative regional efforts** to establish take-back laws for priority product classes in order to encourage those manufacturers to pressure their supply chains to pursue safer alternatives.
- Opportunities to address toxics through distributed sources and **legacy sources** of toxic contamination such as PCBs in inks and dyes and zinc in tires.

Next Steps

- The next TRS workgroup meeting will take place on November 19th.
- Workgroup members will continue to review the draft framework and problem statement, and will send any further comments to Ecology and Ross Strategic.
- Workgroup members will continue to brainstorm potential solutions to include in the final product, including from individual members’ unique perspectives.
- Ecology and Ross Strategic will distribute a revised problem statement and goals framework, as well as draft summaries of the ideas proposed during this meeting.

Meeting Participants

Name	Organization
Toxics Reduction Strategy Workgroup Members	
Martin Baker	Seattle Public Utilities
Rod Brown	Cascadia Law Group
Sanjay Kapoor	Washington Business Alliance
Sara Kendall	Weyerhaeuser
Doug Krapas	Inland Empire Paper
Paul Lumley	Columbia River Intertribal Fish Commission
Tom Newlon	Stoel Rives, LLP
John Stark	Washington Stormwater Center
Laurie Valeriano	Washington Toxics Coalition
Other Attendees	
Joshua Baldi	Washington Department of Ecology
Dianne Barton	Columbia River Intertribal Fish Commission
Holly Davies	Washington Department of Ecology
Melissa Gombosky	Inland Empire Paper

Joshua Grice	Washington Department of Ecology
Heather Kibbe	City of Everett
Elizabeth McManus	Ross Strategic
Darcy Peth	Ross Strategic
Susan Saffery	Seattle Public Utilities
Ted Sturdevant	Washington Department of Ecology