

# 1 Washington Toxics Reduction Strategy Group Meeting #3

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2 *Draft letter -- 11/15/12*

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4 *This is an initial discussion draft of the body of the letter that will capture your observations and ideas*  
5 *and transmit them forward. We have framed it as a letter to the incoming Governor, state Legislative*  
6 *leaders, and the Federal delegation.*

7  
8 Dear \_\_\_\_\_:

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10 We are writing to ask for your attention and support for a targeted series of actions to better protect  
11 Washington residents and our environment from toxic chemicals in products and manufacturing, and  
12 related pollution.

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14 Our current system of chemical regulation fails us in two ways. On one hand, far too many toxic  
15 releases and exposures still occur—many of which are avoidable. Incentives to design pollution out of  
16 our manufacturing and industrial processes are often weak or non-existent, the regulatory process fails  
17 to address significant sources of concern, and federal law underpinning toxic chemicals management is  
18 outdated and deficient. As a result, we are forced to make the most of a broken system at the state and  
19 local level. On the other hand, relying solely on existing regulatory tools can sometimes result in  
20 requiring dischargers to take costly actions that take an economic toll without providing meaningful  
21 environmental or human health benefit. Laws like the Clean Water Act and the Clean Air Act have  
22 enabled great progress and real protections over time, but relying on statutes designed for single,  
23 “point-source” pollution to fix problems from diffuse, “non-point” sources has inherent limits.

24  
25 Historically, Washington State has been a leader in chemical reform. Our individual chemical action  
26 plans, bans on certain hazardous chemicals, and the recently enacted Children’s Safe Product Act create  
27 a foundation for future efforts, but much work remains. We came together in September 2012 at the  
28 request of Ecology Director Ted Sturdevant as a diverse group of government, business, and non-  
29 governmental leaders to discuss this issue of toxics management, and to transcend our legal and  
30 political silos to look for creative new approaches that offer better environmental and economic  
31 outcomes. This letter outlines our sense of the challenge, offers some principles for action, and  
32 describes our ideas for how to move forward.

1  
2 **The Challenge**  
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4 Although much progress has been made to address toxic chemicals both through state regulations and  
5 through other public and private action and investments, Washington residents continue to be exposed  
6 to harmful toxics from a variety of sources, including products, and new chemicals continue to be  
7 released to the environment. Over time we find ourselves unsuccessful in completely cleaning up the  
8 toxic chemicals that have existed historically (legacy pollutants), and playing catch up as the number of  
9 new chemicals and releases grows.

10  
11 The U.S. EPA has over 84,000 chemicals listed in its Toxic Substances Control Act inventory of chemical  
12 substances in U.S. commerce, but the number of chemicals in our environment continues to increase.  
13 More than 15,000 substances are added to the American Chemical Society database each day. While  
14 many of those substances certainly will prove to not be harmful, some of them may cause harm. The  
15 sheer number of chemicals speaks to the challenge of understanding chemical interactions and chemical  
16 hazards in the environment.

17  
18 Unlike nutrition labels, we generally do not have data on the toxics that are present in the products we  
19 use at work and at home, and for transportation and leisure. Except in certain limited cases,  
20 manufacturers are not required to disclose the chemical ingredients products contain. We know in  
21 general that some chemicals, such as metals, the flame retardants polybrominated diphenyl ethers  
22 (PBDEs), and organic polymers used in plastics and coatings, are widely present in products, and are  
23 increasingly being found in the environment.

24  
25 Children are especially prone to experience ill effects from chemical exposure because even small  
26 exposures during early childhood development can result in permanent negative effects that can cause  
27 lifelong damage. Trends in children's health are concerning, as shown in these examples.

- 28  
29
- The American Medical Association (AMA) has recommended reducing prenatal and childhood exposure to **endocrine disruptors** as a reasonable preventive step to improve health.
  - Studies suggest that exposure to **bisphenol-A (BPA)** may be linked to early puberty in girls, which is associated with an increased risk of breast cancer, infertility, menstrual problems, and reduced adult height, as well as psychological difficulties that can lead to behavioral problems
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**Comment [EDM1]:** Note to reviewers: this section may be already too long and, at the same time, I'm not sure it contains all the detail we have discussed. Thoughts on how best to strike this balance?

1 such as alcohol and drug use. Hypospadias (a birth defect in which the opening of the urethra in  
2 boys is on the underside of the penis instead of the tip) has been linked to exposure to  
3 **phthalates** and other chemicals in laboratory studies.

- 4 • Environmental chemicals *known* to be associated with impaired brain development include **lead**,  
5 **methyl mercury**, **polychlorinated biphenyls (PCBs)**, **manganese**, and **organophosphate**  
6 **insecticides**. Environmental chemicals *suspected* to interfere with brain development **include**  
7 **arsenic**, **BPA**, **PBDEs**, and **phthalates**.
- 8 • Autism and ADHD appear to result from a **complex interaction between genetics and**  
9 **environmental factors**.
- 10 • Laboratory research has indicated that prenatal and early life exposure to some chemicals can  
11 permanently alter metabolism and cause obesity later in life. Environmental chemicals known  
12 or suspected to be associated with obesity include **BPA**, **perfluorooctanoic acid (PFOA)**, and  
13 **organophosphate insecticides**. There is suggestive evidence that **phthalates**, **PBDEs**, **DDT**, and  
14 **PCBs** may contribute to obesity as well. In 2011, the National Institutes of Health launched a  
15 three-year effort to research the role of environmental chemical exposures in obesity, type 2  
16 diabetes, and metabolic syndrome.

17  
18 And, the people or organizations who one might expect to “fix” these problems often lack the ability or  
19 influence to do so fully. Wastewater treatment facilities typically do not generate toxics, but are tasked  
20 with treating contaminants that enter the plants as a consequence of consumer products, stormwater,  
21 ambient deposition, contaminants in the intake water (legacy compounds and naturally-occurring  
22 elements) or manufactured products that contain toxic by-products. Once in wastewater, these  
23 chemicals can be difficult and very costly to treat using available technologies. While commercial and  
24 industrial dischargers may be subject to permit limits, wastewater treatment plants often have little or  
25 no control over the chemicals that are present in effluent from homes or in stormwater. In many cases,  
26 non-point sources (runoff from agricultural, urban, construction, mining and forest lands containing  
27 fertilizers, herbicides, insecticides, oil, grease, toxic chemicals in products, etc.) are a significantly greater  
28 contributor of toxic contaminants to our watersheds, but the Clean Water Act does not provide for  
29 direct regulation of non-point sources.

30

1 The Puget Sound Loadings Study found that the vast majority of toxic chemicals in Puget Sound come  
2 from non-point sources through surface water runoff, including:

- 3 • **Copper, cadmium, zinc, and phthalates**, from roofing materials
- 4 • **Copper** from pesticide and fertilizer use in urban areas, brake pads in vehicles, roofing materials,  
5 and boat paint
- 6 • **Polycyclic aromatic hydrocarbons (PAHs)** from wood smoke, creosote-treated wood, and  
7 vehicle exhaust
- 8 • **Petroleum-related compounds** from minor fuel and oil spills, and drips and leaks from personal  
9 vehicles

10 Other pathways of concern include direct air deposition (where chemicals fall directly into the water;  
11 this is the most common pathway for PBDEs and some PAHs), and wastewater treatment plants, which  
12 often are not configured to treat emerging chemicals—such as pharmaceuticals, personal care products,  
13 and endocrine disruptors, and which are a source of PDBEs. Although the study focused on Puget  
14 Sound, it gives an indication of the types of toxic substances and pathways that may be present in other  
15 areas of the state.

16  
17 Like many other problems we face, the problem of toxic chemicals contains within it a set of  
18 opportunities. There are opportunities to help ensure Washington children have the chance to reach  
19 their full potential not hamstrung by exposure to toxic chemicals. There are opportunities to save  
20 healthcare costs by reducing unhealthy impacts of exposure to toxic chemicals. There are opportunities  
21 to build Washington industries that lead in design and manufacturing of safer alternatives to toxic  
22 chemicals in products and manufacturing. And there are opportunities to improve the way the  
23 regulatory system reaches to protect us from toxic chemicals, to create better solutions for industry and  
24 more effective protections for all of us.

### 25 26 ***Our Principles for Action***

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28 The problem of toxics is not a new one, and there are a variety of principles for toxics reform that have  
29 been developed by different actors including states, industry, and NGOs. We did not try to duplicate  
30 that work or create a comprehensive set of principles chemical reform. Rather, we sought to test and  
31 reflect our common understanding and perceptions of what it would take to address this problem in a

1 fair and robust way. The principles are designed to provide guidelines for Washington State decision  
2 makers to identify and implement strategies and actions to reduce toxic exposures in the State.

3

4 1. Shared Responsibility: Government, industry, non-governmental organizations, and  
5 individuals share responsibility for addressing toxics.

- 6 • Government’s role includes protecting humans and the environment from harmful  
7 exposures to toxic chemicals by assessing chemical safety, setting standards, and  
8 providing public access to chemical safety and health information.
- 9 • Industry’s role includes providing information to the government to support chemical  
10 safety claims and chemical health and safety information, disclosing information about  
11 chemicals in products and potential hazards, taking responsibility for cleaning up toxic  
12 releases, and using safer chemical alternatives when available.
- 13 • The role of other non-governmental organizations, such as environmental organizations  
14 and research institutions, includes developing safer alternatives and conducting  
15 research.
- 16 • Individuals’ responsibilities include considering chemical safety and health information  
17 when choosing products, and using products containing potential harmful ingredients as  
18 directed.

19 2. Prevention: It is cheaper, more efficient, and safer to use less toxic or non-toxic alternatives  
20 rather than to address toxics by regulating waste streams or cleaning up legacy contaminants.  
21 Detoxifying products and substituting safer chemicals are better long-term solutions than relying on  
22 cleanup and waste regulations to prevent exposures to toxic chemicals.

23 3. Set Priorities: We cannot do everything at once, so we should prioritize chemicals of concern.

24 4. Chemical Safety: The public has a right to expect that the products they use are safe. The  
25 public should have access to clear, transparent, and actionable information about chemical and safety  
26 hazards associated with chemicals in products.

27 5. Disclosure: Producers and manufacturers have a responsibility to provide hazard, exposure,  
28 and use data about chemicals in products and processes to government and to companies in their  
29 supply chains so that safety can be demonstrated. Government agencies and manufacturers should  
30 share responsibility for providing public access to chemical health and safety information.

**Comment [EDM2]:** Note to reviewers: Need to address concerns that not all chemicals are supposed to be “safe” for all uses (e.g., paints, cleaners, etc.) without getting into language that has been politicized in the national debate on TSCA reform.

1            6. Precaution: The unknowns and the complexities in understanding chemical exposures and the  
2 effects on human health and the environment warrant a precautionary approach. A precautionary  
3 approach is not meant to stifle innovation or eliminate all risks, rather it is meant to say that when a  
4 chemical or product raises threats of harm to humans or the environment precautionary measures  
5 should be taken even if some cause-and-effect relationships are not fully established scientifically. It is  
6 intended to reinforce that the producer or manufacturer of a chemical or product, rather than the  
7 public, should have the responsibility to ensure that the chemical or product is safe.

8            7. Lifecycle Costs: Lifecycle environmental costs should be internalized, rather than borne by  
9 external parties. The responsibility for the costs of toxics in products should be shared by producers,  
10 manufacturers, and consumers.

11

12 ***Moving Forward***

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14 ***This Section will outline your ideas for action and next steps, currently being formulated in the issue-***  
15 ***specific briefing papers.***

16

17 ***Closing***

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19 We hope you will move forward to continue the dialogue about how to put these ideas into practice and  
20 work with us to reduce exposures to toxic pollution in Washington. Our quality of life in Washington  
21 depends on a healthy environment and a robust economy – each of us, regardless of perspective,  
22 depends on and deserves both. Our current regime for addressing toxic pollution fails us on both  
23 counts. We have an opportunity and a responsibility to do better.

24

25 We would welcome the opportunity to discuss this with your further.