

Dear Senator Cardin,

As state legislators in Maryland, we are writing to convey our concerns regarding the proposed Vitter-Udall Chemical Safety for the 21st Century Act, as proposed in a working draft, March 4th, 2015 which sets out possible amendments to the Toxic Substances Control Act of 1976 (TSCA). We would like to thank you for your leadership on this issue and encourage you to do everything you can to negotiate for stronger reform.

Though much improved over the original, the draft Vitter-Udall bill still contains a number of critical flaws and shortcomings that make it unworthy of your support. As members of the Maryland General Assembly, our top concern is that the bill preempts further state action on toxic chemicals.

In Maryland we have restricted six different toxic chemicals in the last 6 years including heavy metals, toxic flame retardants, and phthalates. This bill would seriously limit our ability to restrict dangerous chemicals in the future.

- It preempts new state actions on a chemical years before any action taken by EPA on that particular chemical to protect people.
- It bans states from co-enforcing federal requirements.
- The language that was ostensibly designed to protect state programs on discharges to air and water is at least confused and needs to be fixed.
- There is now a mechanism whereby if a state regulates a chemical, it has to notify the EPA which triggers a prioritization process that then, because of the high priority preemption timing, results in preemption of state law.

The scientific evidence linking common chemicals to the health problems that burden American families is overwhelming. The 1976 TSCA law is antiquated and based on old science and it does little to protect our families and children from dangerous chemicals. While TSCA reform is well overdue, we are also concerned that the bill falls woefully short of protecting public health from toxic chemical exposure.

We believe there is an opportunity for landmark TSCA reform this year that provides greater protection of health and safety while also providing regulated industry with a rational and predictable system. We ask that you support negotiations in the Environment and Public Works Committee toward legislation that would make a meaningful positive difference for public health.

Thank you for your attention to this important issue.

Sincerely,

Delegate Alfred Clinton Carr, Jr., District 18
Delegate Angela M. Angel, Esq., District 25
Delegate Bonnie L. Cullison, District 19
Delegate Peter A. Hammen, District 46
Delegate Ariana B. Kelly, District 16
Delegate Eric G. Luedtke, District 14
Senator Roger Manno, District 19
Senator Karen S. Montgomery, District 14

Delegate Dan K. Morhaim, M.D., District 11
Senator Shirley Nathan-Pulliam, District 44
Delegate Kirill Reznik, District 39
Delegate A. Shane Robinson, District 39
Delegate Frank S. Turner, District 13
Delegate Jeffrey D. Waldstreicher, District 18
Delegate Karen Lewis Young, District 3A