

## POLICY CATEGORIES IDENTIFIED AT THE STATE AND LOCAL LEVEL

Policy Category	Definition	Policy Landscape at State/Local Levels	Examples <sup>1</sup>
Pollution Prevention/ Toxics Use Reduction	Multi-pollutant, multi-media strategies that shift the focus from end-of-pipe regulation to reduction of pollution at the source and/or encourage changes in production processes, product, or raw materials to reduce, avoid, or eliminate the use of toxic or hazardous substances or the generation of hazardous byproducts.	Following federal pollution prevention legislation in 1990, many states enacted similar pollution prevention laws. Although the majority of states have set pollution prevention goals, there is a wide variety of programs and policies set up to achieve these goals at the state level. Some states simply have aspirational goals for pollution prevention, while others have voluntary pollution prevention programs that provide technical assistance to businesses. Only a small number of these regulations/programs actively require, facilitate, or encourage the use of least toxic alternative chemicals. Additionally, most of these programs focus exclusively on reducing toxics in industrial settings, but some states are trying to extend these policies and programs to small businesses and households. Further, elements of pollution prevention and toxics use reduction are incorporated into other state policies, especially policies that focus on procurement and policies that focus on greening government management and operations.	<ul style="list-style-type: none"> <li>• Enacted—Massachusetts Toxic Use Reduction Act (TURA); Oregon Toxics Use Reduction and Hazardous Waste Reduction Act; New Jersey Pollution Prevention Act</li> <li>• Proposed—New York (A348, S2256); California (AB558)</li> </ul>
Single Chemical Restrictions	Policies that ban or severely restrict specific chemicals or uses of chemicals.	This type of policy is most prominent at the state and local levels. A number of chemicals have been banned or restricted in some states and localities. In addition, there is proposed legislation in a number of states and localities to ban or restrict single chemicals. The chemicals targeted by these policies include: PBDEs, lead, mercury, chromated copper arsenate, chlorinated solvents, dioxin, formaldehyde, perchloroethylene, phthalates, bisphenol A, and diacetyl.	<ul style="list-style-type: none"> <li>• Enacted—Washington PBDE Ban (Wash. Rev. Code Ann. § 70.76.005); Maine PBDE Ban (Me. Rev. Stat. Ann. tit. 38, § 1609); Rhode Island Mercury Reduction and Education Act</li> <li>• Proposed—Illinois Bisphenol A Products Act (HB4744); New York (various bills on restriction of lead-A1745, S782)</li> </ul>

<sup>1</sup> Although instructive examples are listed for each policy category, it is important to note that in many cases, the policies listed span multiple policy categories. More than one policy category is denoted in the State Chemicals Policy Database for policies that contain elements of more than one policy category. More information about the policies listed as examples can be found in the State Chemicals Policy Database, accessible at <http://www.chemicalspolicy.org/uslegislationsearch.php>.

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Multiple Chemical Policies	Policies that regulate groups/classes of chemicals, rather than just one chemical.	Most of the legislation that has been enacted at the state and local levels to regulate groups of chemicals focuses on persistent, bioaccumulative, and toxic chemicals (PBTs). Enacted and proposed legislation in a number of states focuses on “chemicals of concern” or “priority chemicals.”	<ul style="list-style-type: none"> <li>• Enacted—Executive Orders to reduce PBTs (WA, OR); Local resolutions to reduce PBTs (Seattle, WA; Buffalo, NY; Erie County, NY); Priority Chemicals (CA, CT, ME, WA)</li> <li>• Proposed—An Act Providing for Safer Alternatives to Toxic Chemicals (MA S2481); Toxic Chemicals in Children’s Products (RI H7098)</li> </ul>
Regulation of Product Categories	Policies that regulate categories of consumer products. These types of policies include regulating chemical use in products, encouraging the purchase/use of less toxic products, and labeling/disclosing chemicals in products.	Instead of regulating single chemicals, some states and localities are beginning to regulate and propose legislation that would place restrictions on chemicals in categories of products, encourage the purchase and use of less toxic products, and require the labeling/disclosure of chemicals in products. To date, states and localities have enacted or proposed legislation for a number of product categories, including cosmetics/personal care products, cleaning products, children’s toys/child care products, and product packaging.	<ul style="list-style-type: none"> <li>• Enacted—California Safe Cosmetics Act; New York School Green Cleaning Law; Connecticut Toxics in Packaging Law; California Phthalates in Products for Young Children (AB1108); An Act Concerning Child Product Safety (CT HB5650)</li> <li>• Proposed—Illinois Safe Cosmetics Act; Massachusetts Safer Cleaning Products Act (H2246); Children’s Product Safety Act (IL HB4351); Maryland Phthalates and Bisphenol A Prohibitions-Toys, Child Care Articles and Cosmetics (HB833)</li> </ul>
Biomonitoring/ Environmental Health Tracking and Surveillance Systems	Policies that support assessment of human biologic specimens (blood, urine, breast milk, fat tissue) to characterize the levels of human chemical exposure. Policies that require tracking and monitoring of the links between exposures to chemical/environmental hazards and adverse human health effects.	The establishment of biomonitoring programs and environmental health tracking systems is increasingly seen as a way to understand the general population’s exposure to chemicals as well as a powerful advocacy tool. Since the exposure and disease profile varies geographically, state and local biomonitoring programs are needed to collect this type of information. California, a leader in this area, enacted a state-wide biomonitoring program in 2006. Other states have enacted and proposed these types of initiatives, but lack the necessary resources to implement this type of legislation.	<ul style="list-style-type: none"> <li>• Enacted—California Environmental Contaminant and Biomonitoring Program; Illinois Biomonitoring Feasibility Study Act</li> <li>• Proposed—New York Environmental Health Tracking System (A5343, S5298); Tennessee Environmental Contaminant Biomonitoring Program (HB757, SB878)</li> </ul>

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Data Collection	Policies that encourage the gathering and dissemination of information about the presence, toxicity, and/or use of chemicals in products and processes. These types of policies may require further research and testing of specific chemicals to assess potential health and environmental impacts, the establishment of monitoring programs to detect the presence of contaminants in the environment, or the manufacturer's or distributor's submission of chemical production and use information.	There is increasing recognition of the data gaps that exist with respect to the properties of chemicals as well as chemical use and exposure data. California is a leader on enacting and proposing these types of policies. Other states recognize the importance of gathering this information, but lack the necessary resources to enact legislation that establishes data collection programs at the state level. However, some recently enacted and pending legislation in a number of states contains provisions that permit the state to collect chemical use and production information about priority chemicals.	<ul style="list-style-type: none"> <li>• Enacted—California Chemical Testing Methods (AB289); Maine Act to Protect Children's Health and the Environment from Toxic Chemicals in Toys and Children's Products (Me. Rev. Stat. Ann. tit. 38, § 1691)</li> <li>• Proposed—California High Production Volume Chemical Data Collection (AB578); Illinois Child Safe Chemical Act (HB5705, SB2868)</li> </ul>
Right-to-Know	Policies that require or encourage the provision of information or disclosures about exposures and health risks associated with chemicals to the general public.	Some right-to-know policies at the state and local level build on existing federal legislation (Emergency Planning and Community Right-to-Know Act) and require users of hazardous substances to publicly report those uses. Other state right-to-know legislation focuses on the labeling of consumer products to inform the general public of the chemical content of these products. Some of the enacted and proposed mercury products and cosmetics legislation has included provisions that require labeling of these products. Some of this legislation also includes public education programs.	<ul style="list-style-type: none"> <li>• Enacted—California Safe Drinking Water and Toxic Enforcement Act (Prop. 65); California Toxics Information Clearinghouse (SB509); City of Eugene Oregon Toxics Right-to-Know Charter Amendment; New Jersey Worker and Community Right-to-Know Act</li> <li>• Proposed—An Act Concerning Toxic Substances in the Workplace (CT SB1022)</li> </ul>

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Prioritization	Policies that establish a framework for assessing and prioritizing chemicals.	Although prioritization of chemicals is widely seen as a necessary step for chemicals policy, states are just beginning to develop and implement frameworks to achieve this goal.	<ul style="list-style-type: none"> <li>• Enacted—California AB1879; Maine Act to Protect Children’s Health and the Environment from Toxic Chemicals in Toys and Children’s Products (Me. Rev. Stat. Ann. tit. 38, § 1691); An Act Concerning Child Product Safety (CT HB5650); Washington Children’s Safe Products Act (HB2647)</li> <li>• Proposed—Establishing the Toxic Substances Identification Program (VT S292); Chemicals in Children's Products (WI AB968)</li> </ul>
Alternatives Assessment	Policies that encourage research to support or establish requirements to replace the use of toxic chemicals with the use of alternatives that have been carefully and methodically evaluated for safety (i.e. substitution).	Some states have enacted or proposed policies to establish research institutions solely to conduct alternatives assessment and encourage the substitution of toxic chemicals with safer alternatives. In addition, other policies enacted at the state and local level encourage alternatives assessment. For example, some policies that ban or restrict single chemicals also contain provisions that require the assessment of alternative chemicals to choose an appropriate substitute for the banned/restricted chemical.	<ul style="list-style-type: none"> <li>• Enacted—Massachusetts Toxic Use Reduction Institute; New York Pollution Prevention Institute; Maine Executive Order Promoting Safer Chemicals in Consumer Products and Services</li> <li>• Proposed—Connecticut Innovation Institute (HB7020)</li> </ul>
Green Chemistry/ Design for the Environment	Policies that encourage the redesign of chemicals, products, and processes from the outset to reduce or eliminate the use and generation of hazardous substances.	There has been executive branch action to encourage research and investment in green chemistry in a few states. In addition, these principles are beginning to be incorporated into legislative initiatives.	<ul style="list-style-type: none"> <li>• Enacted—Michigan Green Chemistry Executive Directive; California Green Chemistry Initiative</li> <li>• Proposed—California Design for the Environment (SB291)</li> </ul>

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Product Stewardship	Policies that establish an environmental management strategy for minimizing a product's environmental impact throughout all stages of a product's life cycle.	Managing a product from cradle to grave has become an increasing concern at the state and local levels, especially as more chemicals are banned. There are a number of product stewardship schemes that are being proposed, although many of the policies focus on producer responsibility for managing products throughout their life cycle. Most of the legislative action (enacted and proposed) to date on product stewardship has focused on electronics equipment. Additionally, some of the mercury laws include collection and recycling provisions for products containing mercury.	<ul style="list-style-type: none"> <li>• Enacted—Oregon Producer Responsibility System for the Management of Obsolete Electronics</li> <li>• Proposed—North Carolina Manufacturer Responsibility and Consumer Convenience Information Technology Equipment Collection and Recovery Act (SB1525); Pennsylvania Used Electronic Device Recycling Act (HB7)</li> </ul>
Environmentally Preferable Purchasing	Policies that require or encourage the purchase of products based on particular environmentally sensitive attributes (i.e. less toxic chemicals, recycled material content, energy efficiency, etc.).	There are myriad environmentally preferable purchasing policies at the state, and especially local level. Both legislative and executive branch initiatives at the state and local level require or encourage more environmentally preferable state and local government purchasing decisions for a wide range of products. Some of these policies are more aspirational, while others lay out a decision-making process for choosing products.	<ul style="list-style-type: none"> <li>• Enacted—San Francisco, CA Precautionary Purchasing Law; California State Agency Environmentally Preferable Purchasing; Vermont Clean State Program</li> <li>• Proposed—Colorado Act Concerning a Preference for the Purchase of Environmentally Preferable Products by Government Entities (HB1220); New York State Safe and Green Procurement Act (A7038, S1158)</li> </ul>
Precautionary Principle	Policies that define and develop approaches for applying the precautionary principle in practice for chemicals.	One state has enacted a senate resolution that incorporates the precautionary principle into state department and agency decision-making processes. A number of localities have also enacted precautionary principle resolutions that incorporate the principle into decision-making processes.	<ul style="list-style-type: none"> <li>• Enacted—Hawaii Precautionary Resolutions (HCR49, SR86); Local Precautionary Principle Resolutions (Seattle, WA; San Francisco, CA; Berkeley, CA; Marin County, CA; Multnomah County, OR)</li> <li>• Proposed—New York State Public Health Protection Act (A3420, S862)</li> </ul>