

August 2009

Number of Chemical Policies Surge at State Level

Aim to protect public health while promoting a green economy.

Increased concerns about the build-up of chemicals in the environment and their potential health effects are reflected in the rising number of state policies, according to an analysis conducted by the Lowell Center for Sustainable Production at the University of Massachusetts Lowell.

The new paper titled, "[State Leadership in Formulating and Reforming Chemicals Policy: Actions Taken and Lessons Learned](#)," finds that more states are introducing restrictions for single chemicals, but with a trend toward more comprehensive chemical reforms, at a quicker pace than ever before.

"We've seen a huge increase in the number of bills introduced within the last few years, especially in states that in the past had been relatively quiet," says [Jessica Schifano](#), report author and Policy Analyst at the [Lowell Center for Sustainable Production](#) at the [University of Massachusetts Lowell](#). "A range of factors contribute to this trend, from new policies in Europe, to consumer pressure and demands from large manufacturers and retailers for safer products."

Number of BPA Bills Jumps to 90

For example, bisphenol A (BPA), a chemical widely used in consumer and baby plastic products that is linked to fertility defects in laboratory studies, has had the largest increase—from one bill introduced in 2006 to 90 bills introduced within the last three years. To date, two states, one county, and two cities have enacted policies that restrict the use of this chemical.

More States Introducing Chemical Policies

The states that have typically led chemical policy reform efforts include Maine, Washington, Connecticut, Minnesota, California, Massachusetts, New York, Oregon, and Michigan. A number of new players—including Alabama, Louisiana, Mississippi, and Montana—have also proposed chemicals policy reforms ranging from bans on individual chemicals like lead and phthalates to broader reforms requiring data collection, identification, and prioritization of chemicals of concern in children's products.

From Regulating Emissions to Everyday Products

A major finding of the analysis is that states are moving from regulating emissions of chemicals from factories to placing requirements on products themselves. Many states are moving toward broader approaches that encourage innovation, such as providing business incentives to encourage green chemistry and develop and use safer alternatives to problem chemicals.

From Single Chemical Bans to Comprehensive Efforts

Several states have created frameworks for the rapid identification, prioritization, and substitution of chemicals of concern. These comprehensive efforts have risen from zero bills in 2006 to 42 bills introduced in 17 states from 2007-2009. To date, six states have enacted this type of legislation.

"The increase in the number of policies combined with the shift from single chemical bans to broader approaches demonstrates the failure of federal leadership in chemicals management and the critical need for a major overhaul of the 30-year old federal Toxics Substances Control Act," says Joel Tickner, associate professor and director of the Chemicals Policy and Science Initiative of the Lowell Center for Sustainable Production at the University of Massachusetts Lowell. "Even though some action is in the works at the federal level, the proposals are lagging behind what some states are doing."

State Leadership in Formulating and Reforming Chemicals Policy: Actions Taken and Lessons Learned, the new study released by the Lowell Center for Sustainable Production, found that states are moving away from a chemical-by-chemical approach to toxics management, recognizing that a more comprehensive approach is necessary to adequately address problems posed by chemicals and the potential for shifting risks from one problem chemical to another. The study found that "states have begun to realize the importance and necessity of a better understanding of the inherent toxicity of

chemicals and the harm they pose to humans and the environment." This understanding can be advanced by a number of policy tools including "alternatives assessment, bio-monitoring, green chemistry, data collection and other information-forcing regulations" the study points out.

The study cites a shift from a "phase-out" approach to a "phase-in" approach to state regulation of the use of chemicals. "Many current and previous approaches to chemicals illustrate the focus on eliminating or controlling chemicals that pose known or scientifically established hazards to human health and the environment." However, the study contends that these approaches often do not consider the design of chemicals themselves and the use of chemicals in industry and consumer products. "They often are reactive to problems of the day and fail to consider whether the alternatives are indeed safer and more sustainable." Instead, the study cites the use by states of a new "phase-in" approach that focuses on identifying and stimulating the development of non-toxic or low-toxic chemicals that can be used safely in processes and products.

The study concludes that "states and local governments have and continue to be leaders and innovators in developing a broad range of chemicals policies and instruments, serving as laboratories for experimentation." Citing the lack of progress at the federal level on chemical regulatory reform, the study states that it is incumbent on the states "to continue their critical role in influencing the development of integrated, solutions-oriented chemicals policy at the state level into the future."

Database of 900 Policies Available Online

In October 2008, the Lowell Center launched the [State Chemicals Policy Database](#), a tool for legislators, policy makers, researchers and advocates to examine policy efforts at the state and local level. The database currently houses more than 900 state and local legislative and executive branch policies-proposed, enacted, and failed-from all 50 states from 1990 to the present.

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