

NEW YORK BUSINESSES UNITED FOR PRODUCT SAFETY

Coalition Letter in Opposition to S. 501-A (Kaminsky) / A.6296 (Englebright)

April 8, 2019

Dear Members of the New York State Senate and Assembly:

We the undersigned—New York Businesses United for Product Safety--a group of more than 25 organizations employing tens of thousands of workers in New York oppose S. 501-A / A. 6296.

The legislation would establish a burdensome, unworkable chemical regulatory program. Congress passed bipartisan comprehensive reform legislation to update the regulation of chemicals for the first time in 40 years, modernizing the Toxic Substances Control Act (TSCA) to meet the needs of the 21st Century. The Frank R. Lautenberg Chemical Safety for the 21st Century Act (LCSA) was signed and enacted into law on June 22, 2016. More effective federal oversight of chemicals will give Americans greater confidence that chemicals in commerce are being used safely and reduce the number of inconsistent state-based chemical initiatives that impede interstate commerce and send mixed messages to consumers.

The undersigned represent leading consumer product, chemical and other manufacturing interests in New York State. Over 96% of all manufactured goods are directly touched by the business of chemistry, making New York's chemical makers an essential part of every facet of our economy. Thanks to chemistry, our lives are healthier, safer, more sustainable and productive than before. The chemical manufacturing industry is New York's largest manufacturing sector, and represents 9% of total manufacturing employment in New York and 24% of our state's overall manufacturing shipments. Over 38,000 New Yorkers are directly employed by the chemistry industry.

As manufacturers that supply food, consumer goods and industrial products to the state of New York, we believe that assessing product safety is more than simply noting the presence of a chemical substance in a formulation. Consideration of product use, user exposure to the chemical in the product, and the functionality of the chemical in the formulation must be included in the legislation.

In recent years, New York has dropped from 5th to 8th in state chemical production. Unlike other states like North Carolina that are seeing production increases, New York has lost more than a quarter of its shipments – dropping from \$41.5 billion to \$30.3 billion.

S. 501-A / A.6296 would only accelerate this decline. These proposals would create a state-level chemicals regulatory program that would provide a target list of specific chemicals that could result in restrictions or bans in consumer products, adding to the increasing burdens facing manufacturers in New York State. The legislation does not provide for an adequate, scientific, risk-based system of analysis; instead, it appears to identify chemicals of concern based on a hazard characterization alone.

Furthermore, we believe that assessing product safety is more than simply noting the presence of a chemical substance in a formulation. It must also include considerations of product use, user exposure to the chemical in the product, and the functionality of the chemical in the formulation, as well as the unintended consequences of removal of a chemical from a product. With this proposed legislation lacking such consideration, the process would only add uncertainty for New York businesses and would force companies to comply with yet another state regulatory program among an already crowded patchwork of state laws.

Instead of a state-by-state approach, we believe the Federal Lautenberg Chemical Safety Act will ensure that chemicals in commerce are safe for humans and the environment, while protecting the growth and competitiveness of businesses.

Accordingly, on behalf of all our memberships, we strongly urge you to support economic growth in New York and oppose S. 501-A / A.6296.



