

# Companies for Safer Chemicals

March 11, 2014

The Honorable Jon Shimkus  
House Energy and Commerce Subcommittee on  
Environment and the Economy  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Paul Tonko  
House Energy and Commerce Subcommittee on  
Environment and the Economy  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Fred Upton  
House Energy & Commerce Committee  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Henry Waxman  
House Energy & Commerce Committee  
U.S. House of Representatives  
Washington, DC 20515

Dear Chairmen Shimkus and Upton, and Ranking Members Tonko and Waxman:

On behalf of the businesses and business organizations in the Companies for Safer Chemicals coalition, I thank you for initiating the dialogue on toxic chemical reform in the U.S. House of Representatives. However, the starting point for this conversation, the Chemicals in Commerce Act (CICA), falls far short of meaningful reform and must be reworked if we hope to fix the woefully outdated Toxic Substance Control Act (TSCA) and drive innovation for cleaner and safer chemicals and products.

The Companies for Safer Chemicals coalition has identified three core principles for any chemical reform legislation in order to unleash innovation and job growth. These principles are:

- **TRUE TRANSPARENCY:** We believe that the public and businesses should have access to information regarding the safety of the chemicals in the products they use.
- **TRUE SAFETY:** Federal law should set a minimum acceptable safety requirement, and encourage states to create innovative laws and regulations that further protect human health and the environment.
- **TRUE INNOVATION:** Chemical management should foster solutions that lead to safer and sustainable products and technologies, not codify the status quo.

The Chemicals in Commerce Act falls short on each of these principles. On transparency issues, CICA codifies the rules that allow chemical manufactures to hide a broad amount of data with little or no justification for doing so. Further, it grandfathers in information claimed under TSCA's confidential business information (CBI) provision over the last 35 years, and protects it from any future disclosure, with only very limited exceptions. Our belief is that protection of CBI should have to be justified and be

the exception, not the rule. Transparency throughout the supply chain will enable businesses to make confident choices about their product inputs, and give consumers accurate information about the safety of their products. Ultimately, consumers will drive the marketplace towards cleaner and safer products.

The safety standard in CICA uses the same standard as what is broken with existing law. By mandating a cost-benefit standard, the bill would force the U.S. EPA to implement a law that wouldn't even be able to ban asbestos, let alone the hundreds of other known harmful chemicals in commerce today. A hazard-based safety standard would be a core provision to fix existing law. A clear and predictable path for EPA to review chemicals would send a signal to businesses and investors that it is worth their time to innovate and develop safer alternatives.

CICA also falls short when setting the proper incentives for innovation. Specifically, the bill only allows EPA to restrict a substance if a cost-effective alternative exists and provides a net benefit. Using this language, innovators would need to assume tremendous risk in developing a safer alternative, and there would be great uncertainty of whether EPA could implement these criteria and restrict the toxic substance. Investors in these companies may not accept such risk, and might search for other avenues for their capital. Requiring a cost-effective existing alternative is an insurmountable barrier to innovation and serves to protect incumbent industries and products that should be restricted in commerce.

When there is a ban on old harmful technology, there is innovation. When gasoline companies were told to eliminate lead, they found ways to make gasoline without it. It's no different with other toxic chemicals. American businesses can and will innovate, but we also need a government commitment to passing meaningful reform, which we do not see represented by the bills currently before Congress.

Our business leaders understand that we are in dire need of comprehensive chemical policy reform to shift away from hazardous chemicals and towards safer alternatives. Meaningful reform will invigorate consumer confidence, grow businesses, and spur economic growth. We encourage the committee to continue to work on this legislation and address the key areas noted above to drive innovation.

Sincerely,

A handwritten signature in black ink that reads "David Levine". The signature is written in a cursive, slightly slanted style.

David Levine  
CEO and Co-Founder  
American Sustainable Business Council

Attachment: List of companies and business organizations

# Companies for Safer Chemicals

## **Organizations**

American Sustainable Business Council  
Social Venture Network  
South Carolina Small Business Chamber  
Sustainable Furnishings Council

## **Companies**

Affordable Portable Housing  
Aloha Services  
American Environmental Assessment & Solutions, Inc  
Annie's Homegrown  
Aubrey Organics  
Ameson  
Ava Anderson Non Toxic  
Babee Talk  
Badger  
BARRETT INTERNATIONAL TECHNOLOGY  
BCW Historic Properties  
Beautycounter  
Ben & Jerry's  
BeeHavenHoney  
Betances Health Center  
BioEconomy Partners, LLC

BitJazz Inc.  
Bluegrass Academic Tutoring LLC  
CEO Pipe Organs/Golden Ponds Farm  
Closed Loop Advisors  
Construction Specialties  
Clutter Control Organizing Services  
CONTEMPL8 T-SHIRTS LLC  
Continuum Industries  
Crossbow Strategies  
Dharma Merchant Services  
EarthShare  
EcoPlum  
Eileen Fisher  
Eighty2degrees LLC  
EKLA HOME  
Environmental & Public Health Consulting  
EO/EveryOne  
EPP-LCA.org  
EthicalMarkets Media B Corp  
Finnacial Alternatives  
GILASI by InnerGlow, Inc.  
GOOD BODY PRODUCTS  
Green Depot  
Good Old Days Eco Florist  
Green Plate Catering

Herban Lifestyle  
High Flight Arts and Letters  
Hill Country Green Team  
Home Green Home  
Innersense Organic Beauty  
Integrative Healthcare Policy Consortium  
joan butcher, M.D., LLC  
Just in Time Direction  
Kahl Consultants  
Kenoza Type, Inc.  
Keys  
KKI  
KM Designs!  
KP Services Unlimited LLC  
LaunchBox  
Law Office of Dona Marie Hippert  
Leisure Wheels Quadracycles LLC  
LeonieTime.com  
Link Up for Health  
Living Calmness  
Made  
Management Resources  
Marin Sunshine Realty  
Method Products  
Meliora K  
Miriam D Weber  
National Foundry  
Natural Clothing Company  
Naturepedic  
NBIS  
Newgrange Design-Build LLC  
Oregon Field & Brush Mowing  
Organic and Healthy, Inc.  
Originate Natural Building Materials Showroom  
Panda Mat  
Preciva  
Quest  
Ramsay Construction  
Rare Bird Creative  
Resonance Media Group  
Robin's Song Acupressure & Herbal Therapy  
Rogue Living  
Roots Realty  
Rune's Furniture Co.  
Saavy  
SBP  
SeaYu Enterprises  
Seventh Generation  
Seven Oaks Ranch, Inc.  
Simply Rustic  
Social Venture Network  
Sodrel Photography

Solar Greens Company

Zarbees

Stonyfield Farms

Western Biochar LLC

South Carolina Small Business Chamber of  
Commerce

Suite Sleep

Suntegrity Skincare

Sustainable Furnishings Council

Sustainable Island Products LLC

Sympatico Clothing

sysTame

THE ADDED EDGE

The Essence Way

The Honest Company

the lollipop tree inc.

The Nature of Beauty

The Specialty Sleep association (SSA)

Think Dirty Inc.

Think Local First of Washtenaw County

Thinkbaby / Thinksport

ThreeGreenPears

Total Balance Health & Fitness

Transition Services, Inc.

Triple Ethos

UPAVIM Crafts

Velasquez Family Coffee

Village Bakery & Cafe, Della Zona Pizzeria,  
Catalyst Cafe