

June 3, 2014

Dear New York State Legislator:

We the undersigned employing tens of thousands of workers in New York urge you to oppose the legislation proposed by New York State Senator Boyle and Assemblyman Sweeney (S.4614/A.6328) that would establish a burdensome, unworkable chemical regulatory program that would only add to the increasingly complex patchwork of state chemical laws that are hampering economic growth in New York.

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 40,000 New Yorkers are employed by the chemistry industry.

Innovation and growth within the manufacturing sector are vital to New York's economic recovery. In addition, manufacturing accounts for a significant portion of our state's economic output, employing tens of thousands of workers in our communities.

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. 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.

Unfortunately, state laws and regulations like S.4614/A.6328 are hindering our state's economic recovery. New York has dropped from 5th to 7th 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.

The legislation being considered would only accelerate this decline. The proposal would create a state-level chemicals regulatory program that would target specific chemicals for bans or other restrictions in consumer products. 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.

The legislation would also require the development of a priority chemical list, and authorizes specific state agencies to regulate such chemicals. However, the legislation simply does not provide for any process for the consideration of the assessment of alternatives or substitutions, except chemicals that do not appear on any lists.

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 that our nation's federal chemicals management law must be updated to keep pace with scientific advancements and to ensure that chemical products are safe for intended use—while also encouraging innovation and protecting American jobs. In May 2013, the late U.S. Senator Frank Lautenberg (D-NJ) and David Vitter (R-LA) came together with a bipartisan group of Senators to introduce the Chemical Safety Improvement Act (CSIA) to reform the Toxic Substance Control Act. The CSIA is a sensible, balanced compromise that will promote safety, innovation, economic growth, and job creation – four essential goals that are important to all Americans.

On behalf of all of our memberships, we urge you to support economic growth in New York and oppose S.4614/A.6328.





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