



MEMORANDUM IN OPPOSITION

S.4102-A (Boyle)

AN ACT to amend the general business law, in relation to protecting consumers from toxic chemicals found in children's products

The Capital Region Chamber, representing 2,800 businesses and organizations from throughout the Capital Region that employ more than 150,000 area residents, opposes S.4102-A. This bill 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.

Manufacturing accounts for a significant portion of our state's economic output, employing tens of thousands of workers in our communities and provides hundreds of millions of dollars in tax revenue for the state and local governments. Specifically, 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 directly employed by the chemistry industry with another 88,000 related jobs related to the Chemistry industry. 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.

In recent years, New York has dropped from 5th to 7th in state chemical production. Unlike other states 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.4102-A would only accelerate this decline.

This proposal would create a state-level chemicals regulatory program that would target specific chemicals for bans or other restrictions in consumer products, adding to the regulatory burden facing manufacturers. 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 whether the chemical appears on any list in any state.

The Chamber believes 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 ensure that chemicals in commerce are safe for humans and the environment, while protecting the growth and competitiveness of businesses. The Frank R. Lutenberg Chemical Safety for the 21st Century Act (S.697) is moving at a rapid pace at the Federal Level that creates a cohesive, effective national chemical management system that will give consumers, retailers, manufacturers, public health advocates and regulatory confidence the chemicals in commerce are being used safely. S. 697 sets national regulatory standards, avoiding a patchwork of state regulations that are difficult for businesses to navigate.

This is a unique moment in time when the prospects for TSCA reform at the Federal Level are as strong as they have ever been.

Accordingly, we urge you to allow the federal government to implement chemical regulation reform at the national level.

For these reason, the Capital Region Chamber urges you to oppose S.4102-A and support economic growth in New York.