

State of South Dakota

EIGHTY-SIXTH SESSION LEGISLATIVE ASSEMBLY, 2011

444S0775

SENATE CONCURRENT RESOLUTION NO. 6

Introduced by: Senators Adelstein, Frysliie, Lederman, Nygaard, and Rampelberg and
Representatives Hunhoff (Bernie), Blake, Elliott, Gibson, Iron Cloud III,
Jones, Kirkeby, Kloucek, and Lucas

1 A CONCURRENT RESOLUTION, In support of reforming the federal Toxic Substances
2 Control Act of 1976.

3 WHEREAS, children and the developing fetus are uniquely vulnerable to the health threats
4 of toxic chemicals, and early-life chemical exposures have been linked to chronic disease later
5 in life; and

6 WHEREAS, a growing body of peer-reviewed scientific evidence links exposure to toxic
7 chemicals to many diseases and health conditions that are rising in incidence, including
8 childhood cancers, prostate cancer, breast cancer, learning and developmental disabilities,
9 infertility, and obesity; and

10 WHEREAS, the President's Cancer Panel report released in May 2010 states that "the true
11 burden of environmentally induced cancers has been grossly underestimated," and the panel
12 advised the President "to use the power of your office to remove the carcinogens and other
13 toxins from our food, water, and air that needlessly increase health care costs, cripple our
14 nation's productivity, and devastate American lives"; and



1 WHEREAS, workers in a range of industries are exposed to toxic chemicals that pose
2 threats to their health, increasing worker absenteeism, worker compensation claims, and health
3 care costs which burden the economy; and

4 WHEREAS, a recent national poll found that seventy-eight percent of likely American
5 voters were seriously concerned about the threat to children's health from exposure to toxic
6 chemicals in day-to-day life; and

7 WHEREAS, states bear an undue burden from toxic chemicals, including health care costs
8 and environmental damages, disadvantaging businesses who lack information on chemicals in
9 their supply chain and increasing demands for state regulation; and

10 WHEREAS, the primary governing federal statute, the Toxic Substances Control Act of
11 1976 (TSCA), was intended to authorize the U.S. Environmental Protection Agency (EPA) to
12 protect public health and the environment from toxic chemicals; and

13 WHEREAS, when TSCA was passed approximately 62,000 chemicals in commerce were
14 "grandfathered in" without any required testing for health and safety hazards or any restrictions
15 on usage; and

16 WHEREAS, in the thirty-five years since TSCA passed, the EPA has required chemical
17 companies to test only two hundred of those chemicals for health hazards and has issued partial
18 restrictions on only five chemicals; and

19 WHEREAS, TSCA has been widely recognized as ineffective and obsolete due to legal and
20 procedural hurdles that prevent the EPA from taking quick and effective regulatory action to
21 protect the public against well-known chemical threats; and

22 WHEREAS, in January 2009, the U.S. General Accounting Office added the EPA's
23 regulatory program for assessing and controlling toxic chemicals to its list of high risk
24 government programs that are not working as intended, finding that the EPA has been unable

1 to complete assessments even of chemicals of highest concern. The EPA requires additional
2 authority to obtain health and safety information from the chemical industry and to shift more
3 of the burden to chemical companies to demonstrate the safety of their products, and TSCA does
4 not provide sufficient chemical safety data for public use by consumers, businesses, and workers
5 and fails to create incentives to develop safer alternatives; and

6 WHEREAS, the National Conference of State Legislatures unanimously adopted a
7 resolution in July 2009 that articulated principles for TSCA reform and called on Congress to
8 act to update the law; and

9 WHEREAS, in August 2010, the Environmental Council of States unanimously adopted a
10 resolution entitled "Reforming the Toxic Substances Control Act," which endorses specific
11 policy reforms; and

12 WHEREAS, ten states have come together to launch the Interstate Chemicals Clearinghouse
13 to coordinate state chemical information management programs, and a coalition of thirteen
14 states issued guiding principles for TSCA reform; and

15 WHEREAS, seventy-one state laws on chemical safety have been enacted and signed into
16 law in eighteen states with broad bipartisan support over the last eight years; and

17 WHEREAS, state policy leadership on chemical management, although outstanding, cannot
18 substitute for Congressional leadership to reform TSCA, a reform which all parties agree is
19 urgently needed; and

20 WHEREAS, TSCA is the only major federal environmental statute that has never been
21 updated or reauthorized; and

22 WHEREAS, legislation to substantially reform TSCA was introduced during the 109th
23 Congress in 2005, the 110th Congress in 2008, and again in the 111th Congress in 2010:

24 NOW, THEREFORE, BE IT RESOLVED, by the Senate of the Eighty-sixth Legislature of

1 the State of South Dakota, the House of Representatives concurring therein, that the South
2 Dakota Legislature encourages the United States Congress to enact federal legislation to
3 modernize the Toxic Substances Control Act of 1976 to strengthen chemicals management
4 through policy reforms.