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**Testimony on Senate Bill 1175**  
**Submitted by the Massachusetts Chemistry & Technology Alliance (MCTA)**  
**To the Joint Committee on Environment, Natural Resources & Agriculture**

My name is Katherine Robertson and I am the Executive Director of the Massachusetts Chemistry & Technology Alliance, an organization representing the manufacturers, users, and distributors of chemistry in the Commonwealth.

Thank you Senator Lewis, Representative Hogan and Committee Members for accepting our testimony in opposition to Senate Bill 1175, an act that would ban certain flame retardants from commerce and lay the groundwork for banning other chemistries proven to retard fires and save lives in the future. I was before this committee on June 27<sup>th</sup> to testify on House Bill 1245, a very different bill but with similar impacts. For the record, MCTA also opposes House Bill 1245.

MCTA is the leading voice for the interests of Massachusetts businesses that rely on chemistry. Our membership ranges from small, family-owned companies which have been here for generations to large international firms which have opted to invest in Massachusetts. MCTA's mission is to advocate for its members, and to support science-based decision-making that promotes the economic viability of our members while protecting public health and the environment. We do not believe Senate Bill 1175 achieves either of those goals.

For the sake of time, I am going to leave the science and the necessity of this ban given the scrutiny flame retardants and other chemistries are subject to under TSCA reform to other panelists. I would like to make a quick points:

- Senate 1175 calls for banning the manufacture, use or sale of nanomaterials as flame retardants. This, in essence, bans chemistries that have not yet been developed, tested or brought to market and which may have a strong health and safety profile. This bill presumes harm and stigmatizes an entire class of technology without any scientific support. It leaves no space for innovation in the flame retardant space for nano-enabled technologies that may be prove to be highly effective, economically attractive to manufacturers, and safe.
- Senate 1175 establishes extremely ambiguous and established subjective criteria for determining which additional flame retardants can be banned in Massachusetts after the initial 11:
  - Section 1 (c) (i) states that a chemical can be identified, reviewed and banned provided it “is known” to cause or contribute to a potential health risk. MCTA believes in science-based decision making, and the lack of specificity to the term “is known” and the lack of guidance as to what triggers the ban of a chemical is of concern to us.
  - Section 1 (c) (ii) (C) states that a chemical can be banned if it meets any of several criteria including “is present in the covered product.” As written, the only criteria a chemical

would have to meet to be banned is its use in a product, thereby rendering (A) and (B) moot. Other options in 1 (c) (ii) include the presence of the chemical in certain bodily tissues or in the home environment. As written, there is no definition of what levels would trigger prohibition, an important factor when weighing the benefits of flame retardants in preventing fire-related deaths with potential risks. There is also no requirement to provide evidence that the presence of the chemical in the body is a result of exposure to the flame retardant in the home.

MCTA has many of the same concerns with House Bill 1245, which also calls for banning the manufacture, use and sale of the same chemistries in the Commonwealth. In particular:

- House Bill 1245 is particularly confusing and unenforceable. It directs the US Consumer Product Safety Commission, a federal agency, to take several actions including creating a chronic hazard advisory board charged with examining potential hazards of the 11 chemistries listed. The Commission will then promulgate a rule based on those findings. The Commonwealth simply does not have that authority to direct a federal agency to convene a board and take actions;
- The chemistries listed include those already voluntarily withdrawn from the marketplace, under review by TSCA, and found to present no hazard by both European and USEPA assessments. The voluntary withdrawal of Polybrominated diphenyl ethers as well as many of the halogenated flame retardants began more than a decade ago, and manufacturers began phasing out deca-BDE flame retardants in 2010. Antimony trioxide (ATO), which would be banned under the proposal, has been studied by USEPA which, in 2014 released its final ecological risk assessment that indicated no concern for the use of ATO as a synergist for halogenated flame retardants;
- One of the hard things to do when talking about chemistry is to ask people to look beyond the emotional arguments to the science and to the facts. I think everyone in this room respects the dangerous work firefighters do on our behalf. The fact is firefighters are exposed to toxic smoke and combustion byproducts from fires regardless of what is being burned and are subject to the same genetic and behavioral contributors to cancer as the rest of us. There is absolutely no scientific evidence to support the suggestion of the legislation's proponents that flame retardants are responsible firefighter cancer deaths. That claim is not supported by the facts, although study after study show that flame retardants do retard fires and, in doing so, save lives.

HB1245 and SB1175 are both seriously flawed bills. Flame retardants save lives because they succeed at their purpose -- retarding flames. They are a critical part of an arsenal of tools including sprinklers, alarm systems and building codes, that have led to a decrease of fire deaths over the past 20 years. On behalf of MCTA, I oppose HB1245 and SB1175.

Thank you for considering my testimony