



Testimony

before

The Assembly Committee on Environmental Safety and Toxic Materials
Bill Quirk, Chair

Oversight Hearing

Proposition 65 Update

Toxic Chemical Exposure: Protecting and Informing the Public

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Good afternoon Chair and members. My name is Mike Wilson and I'm the director of the health program for the BlueGreen Alliance, which is a national coalition that was started 10 years ago as a partnership of the United Steelworkers and the Sierra Club and now consists of ten national unions and five environmental organizations and their 16 million members and supporters.

I previously served as chief scientist with the California Department of Industrial Relations, as director of the Labor Occupational Health Program at UC Berkeley, and as an appointee by the Assembly Speaker to the state's Biomonitoring Science Guidance Panel and Green Ribbon Science Panel.

It nearly always comes as a surprise to my friends and colleagues to explain that chemical product manufacturers in the United States are still not required to: (1) test their chemicals for safety; (2) provide the results of those tests to a public agency; and (3) only place products on the market whose chemicals have passed the agency's safety test.

In fact, chemical product manufactures – while they play a central role in the economy, in employment and in domestic industrial capacity – are still not required to demonstrate the safety of chemicals they have on the market, such as we see with food and drugs.

As such, most of the chemicals in commercial use have been on the market for decades, and we're still at the edge of figuring out how hazardous they are.

In California, with our economy having recently passed both India and Russia in GDP, the implications of this shortfall in federal policy means that there are millions of pounds of products on the market for which safety is in question.

Based on survey data from the Air Resources Board, we know that there are about 188 million pounds of consumer and commercial chemical products sold each day in the state, or about 68 billion pounds per year. Most of these are cleaners, disinfectants, surface coatings, degreasers, thinners, adhesives, promoting agents and so forth.

What is 188 million pounds? It's a little under 5 pounds (4.8) per capita, per day, for the 39 million people living in the state.

If you use your imagination to translate this mass of chemical products sold in California into gallons of water, it would fill over 3,000 (3,120) of the big gasoline tanker trucks you see on the freeway every day.

Over the course of a year, if you placed 188 million pounds per day of water into a line of tanker trucks placed end-to-end, it would reach 11,000.

This does not include chemicals used in industrial processes. This is simply consumer and commercial chemical products sold in California, nearly all of which fall under the jurisdiction of Prop 65. So it's no wonder we have challenges with implementation and in making changes to the regulatory language.

All of the chemicals in these products eventually enter ecosystems, and nearly all of them come in contact with people at some point during their lifecycle.

What Prop 65 tells us is that hundreds of the chemicals used in these products (which are sitting on store shelves today, or are placed into the hands of millions of workers) can in fact be dangerous to human biology, often at very low levels of exposure, as we heard from Dr. Schwarzman.

Listing under Prop 65 tells us that there is sufficient evidence to conclude that a particular chemical in a product is linked to cancer; or that it can affect human reproduction; or that it can cause a range of defects in our children if exposure occurs during fetal development, as we've heard today.

In light of the lack of chemical disclosure regulation nationally, this is an extraordinarily important declaration and contribution to the chemicals market, and to public and worker health, because—as Professor Polsky noted, it affects the way decisions are made at the point of purchase and use.

For example, the Prop 65 list is used by the largest retail companies in the nation to screen thousands of products on their shelves; it is used by unions to assess the safety

of products used in workplaces; it's used by architects and designers to identify and purchase safer building materials; and it's used by community organizations to set environmental justice priorities.

In these ways, it has a multiplier effect in the market and in protecting public health. And we've heard from OEHHA how changes to Prop 65 will improve its precision and effectiveness in this regard.

For workers, this disclosure requirement can be especially powerful because they handle chemical products with very high frequency, intensity and duration relative to consumers. The CDC points out that 5,000 U.S. workers are fatally injured each year in the U.S. but 10 times that number (53,000) die from cancers and COPD caused by work-related exposures.

And as the CDC concluded in 2016, "Although deaths from work-related injuries are mostly captured by surveillance systems, most deaths from work-related illness are not." About 2/3 of workplace illnesses in the U.S. are not reported.

Cal/OSHA, which is charged with protecting worker safety and health, is staffed with less than 200 hard working inspectors for a state with 18 million workers, or one inspector for every 90,000 workers, which means that investigations for fatalities, serious accidents and safety violations take precedence over inspections for chemical exposures.

Prop 65 can therefore give workers a unique tool to identify and prioritize chemical hazards in the workplace. The changes OEHHA is proposing will improve the effectiveness of Prop 65 in informing and protecting workers by stating the identity of the hazardous chemical, describing how exposure occurs, and providing a means for a worker to obtain more information.

I'll close by encouraging you to think about Prop 65 in this way, as a strategy to improve *decision-making* in the market that generates steady improvements in public health. In the alternative, think of it as a strategy that uses information *disclosure* to help *dampen* the competitive advantage of *hazardous* chemical products on the market.

We really do want to encourage innovation and investment in safer chemical products, in greener chemistries, but we can only do that if companies have a way to distinguish their safer products in the market from hazardous legacy products. Prop 65, especially with its proposed changes, helps us reach that objective.

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