

Business Forum: When it comes to chemical policies, who speaks for business?

By Chris Hanson, Dan Marshall And David Levine () | MARCH 20, 2015 — 10:28PM

This year, the state of Minnesota has an opportunity to protect our children from toxic chemicals, encourage manufacturers to make safer products and lead the nation toward reform of our outdated chemical regulations. This opportunity, the Toxic Free Kids Act (TFKA), would benefit both consumers and businesses.

Unlike food and personal care products like soaps and shampoos, children's products are not sold with a list of ingredients. Conscientious retailers and parents have no way of knowing whether or not toxic plasticizers or flame retardants have been added to a set of pajamas, toy or crib mattress.

For example, mounting evidence has made it clear that chemicals like phthalate and bisphenol A (BPA) cause chronic health problems by disrupting the endocrine system. And, even though safer alternatives to these plastic additives are available, many children's products still contain these harmful chemicals. Manufacturers are almost universally loath to disclose whether their products contain these toxins, often claiming that these ingredients are trade secrets. This lack of transparency creates confusion and causes consumer distrust.

The TFKA would require manufacturers of children's products to inform the state if their products contain any of nine toxic chemicals of concern identified by the state department of health. These include several classes of fire retardants, lead, cadmium and endocrine disrupters like BPA and several classes of phthalates.

Reporting is all that the Toxic Free Kids Act would require — it's not a ban or a labeling mandate. But it would provide parents and conscientious retailers with critical information to help them choose safer products.

Last year, in the closing days of the session, the TFKA met a quiet death in the Legislature. The Minnesota Chamber of Commerce claimed credit for its defeat.

In its state Senate committee testimony, the Chamber argued that TFKA would duplicate existing federal laws. And, while it's true that some uses of these chemicals of concern are regulated in some cases, there are no comprehensive state or federal regulations of these chemicals in children's products. The Minnesota ban on BPA, for example, only covers children's food packaging and feeding products. The federal ban on phthalates and lead only covers toys and certain child-care articles. Cadmium is regulated only in children jewelry and toys.

The Chamber also argued that the cost of compliance would be too high by assuming a worst-case scenario in which manufacturers would have to conduct expensive testing for all chemicals of concern. In fact, TFKA would not mandate testing — it only requires manufacturers to know which chemicals they use as ingredients in their products and to report to the state if they are using any chemicals of concern. Simply modernizing their products to remove these harmful toxins would avoid any reporting requirement altogether.

This year, we have another chance to create a better future for our children. While the Minnesota Chamber of Commerce clearly has clout at the Capitol, it does not speak for all businesses. The Metro Independent Business Alliance (MetroIBA) is an association of over 300 locally owned, independent businesses in the Twin Cities region, and the American Sustainable Business Council is a national coalition of over 200,000 businesses and more than 300,000 entrepreneurs and business professionals. Each of these groups supports the Toxic Free Kids Act.

We are not alone. According to an independent poll, 73 percent of small businesses support government regulation to assure that consumer products are free of toxins. Nine out of 10 small businesses surveyed believe that chemical manufacturers should be held responsible for ensuring that chemicals they use are safe, and 94 percent support disclosure of chemicals of concern in products.

Downstream businesses both small and large can benefit from chemical reporting and



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About the author Chris Hanson is CEO of The databank inc., Minneapolis, and president of the Twin Cities Metro Independent Business...

disclosure. Manufacturers would have a clear incentive to switch to less toxic alternatives and retailers would have a greater ability to choose healthier products on behalf of their customers.

Currently, federal regulation of industrial chemicals is ineffective. Thousands of chemicals are completely overlooked by the existing laws, and new untested chemicals are added to consumer products almost every day.

Given the lack of federal control on the use of these chemicals, states have begun to take action. Minnesota has already restricted the uses of bisphenol A, lead, cadmium, mercury, brominated flame retardants, triclosan and formaldehyde. The good news is that businesses have done what they do best — they've innovated to provide products free of these hazardous chemicals. The Toxic Free Kids Act is another important step in creating greater clarity in the marketplace and helping businesses grow by improving consumer trust.

This is an opportunity for legislators to hear a new perspective and support the state's thousands of Minnesota businesses, including the members of MetroIBA, who are speaking out for greater transparency and safer products for our children.
