

March 16, 2016

The Honorable Barbara Mikulski

The Honorable Ben Cardin

The Honorable Andy Harris

The Honorable A. Dutch Ruppersberger

The Honorable John Sarbanes

The Honorable Donna Edwards

The Honorable Steny Hoyer

The Honorable John Delaney

The Honorable Elijah Cummings

The Honorable Chris Van Hollen, Jr.

Dear Honorable Members of the Maryland Delegation:

Thank you for your work toward meaningful reform of the ineffective and outdated Toxic Substances Control Act (“TSCA”), which currently leaves the vast majority of chemicals on the market untested for safety. We strongly support reform to this deeply broken law. As the House and Senate have both passed TSCA reform bills, and have begun to reconcile the differences between the two bills, we write to urge you to minimize the preemption of state laws in the final bill, or eliminate it entirely, if possible.

A strong national toxics law is an essential tool to protect citizens from toxic chemicals, and we support strengthening TSCA to give the Environmental Protection Agency (“EPA”) the power and resources it needs to put in place a strong regulatory program for chemicals in commerce. States also play a critical role in protecting their citizens’ health and the environment from toxic chemicals. We in Maryland have regulated seven six chemicals in the last seven years, and we are working to regulate more. States must retain the ability to enact and enforce these protections.

Our strong preference is for states to have the freedom to regulate and address toxic chemicals in whatever manner best protects their citizens. That said, given that preemptive language exists in both the Senate and House bills, it is realistic to assume there will be some measure of preemption in the final bill. If that is the case, we urge that preemption be as limited as possible, and the final bill should:

1. Maintain states’ power to establish requirements on a given chemical until the EPA has taken final action;
2. Limit preemption after final action to the scope of EPA’s action;
3. Ensure, through clear and express language, that all existing state laws and regulations on chemicals remain in effect and enforceable (Although both bills address this point, there is particular concern that neither bill is currently clear enough to establish this without a doubt.);

4. Maintain states' power to establish requirements on chemicals under existing state laws, and to enforce those requirements;
5. Put in place a clear and workable process to allow states to obtain a waiver to establish requirements that are more protective than EPA's regulations.

We respectfully urge you to work to reduce preemption as much as possible as the House and Senate bills are reconciled. As Maryland Senators and Delegates, we ask you to ensure that Maryland can continue to protect its citizens from toxic chemicals, as it has been doing for decades.

Thank you for your work on this important issue.

Respectfully,

Delegate Alfred Clinton Carr, Jr.
District 18, Montgomery County

Delegate Terri L. Hill
District 12, Baltimore and Howard County

Delegate Angela M. Angel, Esq.
District 25, Prince George's County

Delegate Bonnie L. Cullison
District 19, Montgomery County

Delegate Eric Ebersole
District 12, Baltimore and Howard Counties

Delegate Jeffrey D. Waldstreicher
District 18, Montgomery County

Delegate Eric G. Luedtke
District 14, Montgomery County

Senator Shirley Nathan-Pulliam
District 44, Baltimore City and County

Delegate Frank S. Turner,
District 13, Howard County

Delegate Kirill Reznik
District 39, Montgomery County

Delegate Peter A. Hammen
District 46, Baltimore City