

A stylized map of New York State is shown in a light blue color. The map is set against a background of a folded map with green and yellowish-green panels. A thick green road with white dashed lines starts from the bottom left and curves upwards and to the right, ending in a large green arrowhead pointing towards the top right of the state map.

NEW YORK STATE'S ENVIRONMENTAL HEALTH LEADERSHIP

**A ROADMAP TO TURN OFF THE TAP ON TOXIC CHEMICALS
AND BUILD A SUSTAINABLE, JUST, CIRCULAR ECONOMY**

Clean and Healthy New York
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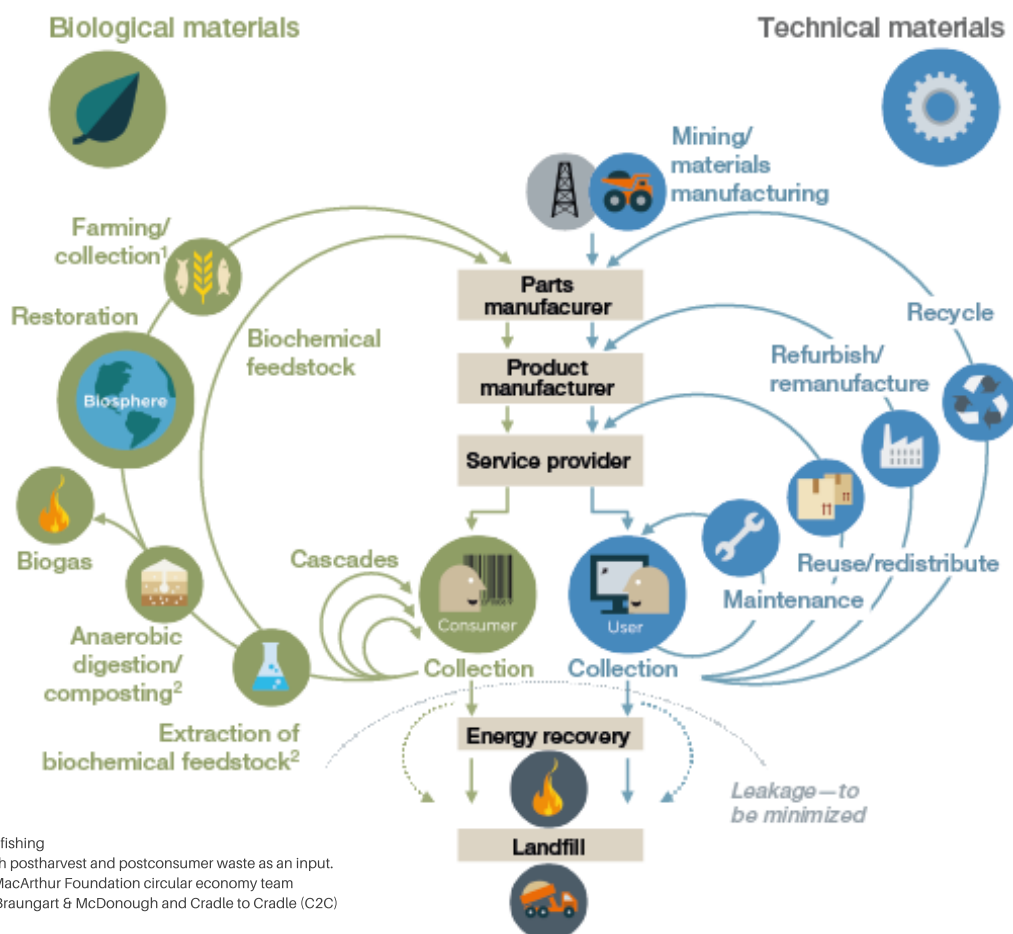
EXECUTIVE SUMMARY

Everyone needs a healthy environment in order to thrive. After recognizing (often, too slowly) the harm human activity has on the planet and human health, leaders have created government infrastructure to phase out toxic chemicals and address our legacy of pollution. Some businesses have also led the way, at times based on the interests of their founders or leaders, or often due to advocacy and pressure from customers and public interest organizations.

THE PROBLEMS

We now know that chemicals that make up common household products can have profound, often lifelong, impacts – contributing to cancer, diabetes, heart disease, infertility, birth defects and other health problems for people, poisoning waters for aquatic life, and warming the planet’s atmosphere.

We live on a finite, fragile planet. We recognize that change is necessary to ensure a sustainable future for our children, grandchildren, and all life on the planet. We need to transition from the linear model of resource use: extraction, transportation, manufacturing, transportation, use, transportation, and disposal as waste. In this Roadmap, we share a new vision for meeting our needs – a rapid transition to a nontoxic, sustainable, and socially just circular economy. Without a switch to nontoxic materials, even with a circular economy, we will continue spreading chemicals that harm human health and the environment. Without a recognition that our transportation and energy systems must not contribute greenhouse gases to the atmosphere, our climate will further destabilize and none of our efforts will be sustainable.



1 Hunting and fishing

2 Can take both postharvest and postconsumer waste as an input.

Source: Ellen MacArthur Foundation circular economy team

drawing from Braungart & McDonough and Cradle to Cradle (C2C)

EXECUTIVE SUMMARY

Without ensuring that all people are valued and protected from harm and allowed to thrive, any economy will ultimately destabilize as those it harms and diminishes, resist it. Without the fundamental shift to treating all materials as future inputs, rather than ultimate wastes, we will exhaust our resources.

WE NEED NEW YORK'S LEADERSHIP

Although federal laws already enacted represent real progress to protect workers, people, communities, and the environment, special interests often weakened them or prevented their full implementation. In the current administration, industry representatives are not just lobbying from the outside, they have been appointed to major leadership positions within key agencies, resulting in repeated rollback efforts. Here are some prime examples:

Exceptions: Due to our dependence on them fossil fuels are treated differently from other toxic chemicals, even though they pose significant toxicological threats. For example, natural gas production wastes are exempted from handling under the Resource Conservation and Recovery Act.

Burden of Proof: Under the Toxic Substances Control Act, the US Environmental Protection Agency must prove to a very high bar that chemicals already in commerce are harmful. Even when there was credible scientific evidence, EPA had to demonstrate that the harm outweighed the economic benefit to the industry in question for its use. EPA was unable to ban asbestos for those reasons.

The Risk Paradigm: Under the current risk-based construct ensconced in federal law, for which leading chemical makers and trade








associations lobby intensely, each use of a chemical is assessed to establish the amount of a chemical that poses an acceptable risk of harm. This is hard and expensive to do, as there are many variables regarding chemicals and their toxicity, and how and when a person might inhale, ingest, or absorb them. This allows ongoing production of known harmful chemicals.

"Without a switch to nontoxic materials, even with a circular economy, we will continue spreading chemicals that harm human health and the environment."

THE LANDSCAPE

The federal government has enacted major legislation to address the consequences of harmful chemicals in our economy. Due to public pressure, the Clean Air Act, the Clean Water Act, programs to clean up hazardous waste sites and other environmental protection laws, had lofty goals, some of which were realized, and some of which were not. The current administration has made at least 78 distinct efforts to roll back environmental protections of air, water, and land, though some were stopped in the courts due to state and public interest organizations' actions. The federal government also has now-outdated laws and regulations addressing chemicals in food, drugs, and cosmetics.

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	47 ROLLBACKS COMPLETED	31 ROLLBACKS IN PROCESS	78 TOTAL ROLLBACKS
 Air pollution and emissions	9	12	21
 Drilling and extraction	10	6	16
 Infrastructure and planning	11	1	12
 Animals	7	2	9
 Toxic substances and safety	3	3	6
 Water pollution	4	2	6
 Other	3	5	8

Source: The New York Times, article updated December 19, 2018

New York State has enacted laws that implement or go beyond federal laws to address environmental and public health concerns. The State has invested in broader toxic waste cleanup efforts through several programs, not just the federal Superfund. It has enacted restrictions on chemicals of concern, often as the first or among the first states to do so. It has created and resourced the Environmental Protection Fund and expanded funding within it for Environmental Health and Justice. Some of these laws are not fully implemented to ensure a clean and healthy environment for all, and there is opportunity to do more. The State invests heavily in the “innovation economy” and can play a greater role in integrating forward-thinking green chemistry and engineering into those innovations.

New York’s businesses have resources to help them change current processes or develop new, creative solutions. The State allows company to incorporate as “benefit corporations” – folding social and environmental considerations alongside profit as primary goals of the corporation, and more companies are taking advantage of that designation.

Companies can turn to the Pollution Prevention Institute for support of different projects that solve the problems driving pollution, rather than simply address end-of-pipe cleanup.

"The current administration has made at least 78 distinct efforts to roll back environmental protections of air, water, and land."

We have a robust community of academic institutions that conduct research into safer materials and chemistry, and who teach students how to consider those factors. From Long Island to Buffalo, they offer research and innovation, strengthening our state’s ability to lead the way on environmental health. Still, there is room to grow, and it will be worth engaging schools across the state to incorporate toxicology and alternatives assessment capacity in their curriculum for all students, not just those with a specific interest.

Solutions to problems that face us concerning recycling, plastic pollution of the oceans, and harmful chemicals in our bodies arrive at one conclusion: we need to fundamentally shift our approach.

In this Roadmap, we will always concentrate on driving toward a nontoxic, sustainable, socially just, circular economy. In a circular economy, we will stop introducing chemicals that harm human health and the environment and switch to nontoxic materials, ensuring all people are valued and protected from harm and allowed to thrive. The fundamental shift to treating all materials as future inputs, not simply as ultimate wastes, will preserve our irreplaceable resources.

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FOUR PRIMARY ROUTES TO ACHIEVE NEW YORK'S LEADERSHIP

- 1 Transparency:** Throughout the supply chain, purchasers need to know what is in the materials they buy so they can choose the healthiest option.
- 2 Action** on harmful chemicals and their classes: When credible information indicates that chemicals are hazardous, government and businesses should act to limit their presence.
- 3 Innovation** of inherently safer options: Investment in green chemistry and engineering, identifying solutions built on inherently benign, reusable, repairable, recyclable materials.
- 4 Integration** of chemical considerations into broader definitions of sustainability: The petrochemical industry drives production of gases disrupting our climate, plastic pollution crowding the oceans, and toxic chemicals spreading from the equator to the poles. All rely on the same feedstock. We can only fully transition from a linear supply chain to a circular one when we detoxify the materials within it.

KEY STATE POLICY ACTIONS

1: Transparency: The Governor and Legislature must pass budget legislation requiring full disclosure of chemicals present in all consumer products and their health hazards, as introduced in the Fiscal Year 2019-2020 Executive Budget.

The Attorney General must vigorously defend the cleaning product ingredient disclosure from the lawsuit filed by the companies that do not want to provide full information about their products.

2: Action on harmful chemicals and classes: The Governor and Legislature must pass new legislation restricting hazardous chemicals in common consumer products, particularly those to which a pregnant woman or child may be exposed.

3: Innovation: The Legislature should codify the State's Green Procurement program, and the Governor should adopt a Green Chemistry Executive Order, integrated with other State environmental and energy goals (see Route 4 in full report).

4: Integration: The Governor should fold together State action on environmental priorities by weaving together materials concerns, (now under Executive Order 4), green innovation (such as a new Green Chemistry Executive Order above) and climate and energy (now Executive Order 66).



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Clean and Healthy New York, Inc. is a statewide environmental health advocacy organization. Since 2006, CHNY has worked for safer chemicals a sustainable economy, and a healthier world.

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