

## **AN ORDER PROMOTING SAFER CHEMICALS IN CONSUMER PRODUCTS AND SERVICES**

**WHEREAS**, Maine is dedicated to the mutually dependent goals of economic development, public health promotion and environmental protection; and

**WHEREAS**, further development of safer alternatives to hazardous chemicals in Maine has the potential to spur business growth, create jobs, improve public health, lower the costs of health care and special education, and protect the environment; and

**WHEREAS**, the University of Maine actively participates in the New England Green Chemistry Consortium and is pursuing federal funding to support research and development of chemical engineering solutions that avoid the use of hazardous materials, including sustainable bio-based chemicals and plastics derived from Maine forest and agricultural products such as potatoes; and

**WHEREAS**, the production, use and disposal of consumer products containing hazardous chemicals poses preventable risks of harm to human health and the environment in Maine and elsewhere; and

**WHEREAS**, a growing body of scientific evidence points to chemical exposures as preventable risk factors in a number of chronic diseases, disabilities and premature deaths; and

**WHEREAS**, Maine Center for Disease Control (Maine CDC) has issued health advisories due to the presence of persistent, bioaccumulative and toxic chemicals (PBTs), such as mercury, chlorinated organic compounds and cadmium in Maine fish and game; and

**WHEREAS**, there are data demonstrating ongoing and substantial increases in human breast milk and blood of chemicals known to occur in consumer products, such as PBDEs, which are among the most widely used brominated flame retardants (BFRs); and

**WHEREAS**, the federal Centers for Disease Control and Prevention released the third National Report on Human Exposure to Environmental Chemicals, the most extensive biomonitoring study ever conducted of the U.S. population, which detected 148 chemicals in blood or urine, although in many cases health risks have not been determined; and

**WHEREAS**, scientific concerns are growing about endocrine disrupting chemicals (EDCs), like bisphenol A, that affect the hormone system; and

**WHEREAS**, Maine has joined others states in passing laws to require clean products and industrial processes so as to reduce or eliminate environmental releases of mercury, dioxin, arsenic, BFRs, lead and other chemical pollutants; and

**WHEREAS**, the State of Maine has established a broad range of product procurement practices oriented toward the preservation of natural resources, the promotion of environmental sustainability, and the protection of the health and safety of employees, citizens, and visitors of the State; and

**WHEREAS**, state government should continue to exercise leadership in developing and promoting safer substitutes to chemicals with inherently hazardous properties when such alternatives are available, effective and affordable; and

**WHEREAS**, several Maine-based companies are widely recognized for the development of products and services that eliminate or minimize the use of hazardous chemicals and environmentally harmful materials; and

**WHEREAS**, environmental technology is one of the seven targeted technology sectors identified in Maine statute; and

**WHEREAS**, it is in the best interests of the people of Maine to continue and expand state leadership in promoting sustainable economic development and environmental public health protection through the elimination of the use of and environmental release and discharge of hazardous chemicals of concern within the next generation.

**NOW, THEREFORE**, I, John E. Baldacci, Governor of the State of Maine, do hereby order and direct as follows:

**I. Consumer Education for Healthy Homes**

By July 1, 2006, the Department of Environmental Protection (DEP) and the State Planning Office (SPO) shall incorporate readily available information on source reduction and safer alternatives to hazardous chemicals in consumer products into their public education efforts, including websites, regarding household hazardous waste, universal waste and solid waste.

By July 1, 2007, the Maine CDC, shall develop and distribute a public education brochure that informs the public on the identification and prevention of exposure to environmental health hazards commonly encountered in the home. Maine CDC and the DEP will coordinate on similar publications and outreach efforts targeting environmental health hazards commonly encountered in the home.

The Integrated Pest Management (IPM) Council Coordinators from the Department of Agriculture and University of Maine Cooperative Extension will continue to distribute an informational brochure to promote the use of existing web resources for educating homeowners about less toxic alternatives to pesticides commonly employed in and around Maine homes. Distribution will occur as resources allow. An electronic copy will be made available to organizations who may also wish to distribute this brochure.

The DEP shall continue to support a regional effort to promote healthy homes and prevent chemical hazards through coordinated efforts involving the Environmental Council of the States (ECOS) and the Association of State and Territorial Health Officers (ASTHO).

## II. Priorities for Safer Alternatives to Toxic Chemicals

The following are next steps for immediate action on chemicals that the State of Maine has already identified as a priority:

**Mercury.** The DEP shall take steps to further progress toward achieving the regional goal adopted in 1998 in cooperation with the New England Governors and Eastern Canadian Premiers to “virtually eliminate mercury from anthropogenic (human-caused) sources” as resources allow. These steps include, but are not limited to, submission of legislation to phase out miniature batteries containing mercury, improving mercury thermostat recovery at end of life, expanding other efforts to divert mercury from the waste stream and to reduce emissions from waste disposal facilities. The DEP shall continue to promote regional efforts to reduce mercury emissions that come into Maine from sources located in other states.

**Lead.** The Maine CDC in cooperation with the DEP shall contract for a report assessing lead-free alternatives to the current use of lead in consumer products. The report will be funded by allocations from the Lead Poisoning Prevention Fund with a completion goal around April 2008.

**BFRs.** By July 1, 2006, the DEP shall review emerging information related to the availability of alternatives to the BFRs known as DecaBDE and shall issue a report re-examining the department's preliminary conclusion that safer alternatives are nationally available.

**Pesticides.** The Bureau of General Services (BGS), in consultation with the Board of Pesticides Control (BPC) and the University of Maine Cooperative Extension staff, shall develop policies that call for the least toxic method of pest control and the least amount of pesticide use in buildings and on grounds that will allow safe and comfortable occupancy by State employees, visitors and the general public. To this end, BGS’ policies shall include the following:

- a. State owned and managed office buildings and their grounds shall be managed in accordance with IPM principles and consistent with pertinent laws and regulations. The policies shall include provisions for the participation of designated building representatives in decisions pertaining to pest management within their building and general occupant notification procedures by the building representatives.
- b. New contracts for pest management services shall require the vendor to comply with BGS policies addressing pest management. The policies shall be incorporated into contract renewals and amendments when feasible.
- c. Other task forces and agencies of state government shall cooperate with BGS in providing technical advice about pesticides, and services as policies are developed.
- d. The BGS, in cooperation with the Department of Agriculture, and the University of Maine Cooperative Extension Pest Management Office, will develop and implement a plan for providing IPM training to BGS employees responsible for management of State-owned buildings and grounds. Implementation will proceed as resources are available.
- e. Consistent with IPM principles, the BGS policies will prohibit use of fertilizer-pesticide mixtures or other pesticides for purely cosmetic purposes.
- f. BGS shall review the Department of Agriculture’s model policy prepared for and used by Maine schools, and consider adapting it to state buildings and grounds.

- g. The Department of Agriculture, through the IPM Council, will explore available IPM certification programs and will provide recommendations to BGS on the feasibility of requiring that contracts for pest management on State-owned and State-leased properties include provisions requiring that service providers be IPM-certified.

### **III. State Purchasing of Safer Alternatives**

The State of Maine shall continue its commitment to environmentally preferable procurement so as to purchase products and contract for services that have a reduced negative impact on human health and the natural environment in comparison to other products and services that serve similar purposes. To that end, the State shall carry on its efforts to seek ways to increase the acquisition of such products and services to the extent feasible, balancing price, performance, availability, and safety.

In carrying out this commitment, the Department of Administrative and Financial Services (DAFS), the Division of Purchases, and the Department of Transportation (DOT) in cooperation with other executive branch agencies, shall avoid products and services that contain, use or release chemicals that are PBTs or carcinogens whenever safer alternatives are available, effective and affordable. The Governor's Task Force to Promote Safer Chemicals in Consumer Products, created herein at section IV, shall direct the DAFS and the DOT to a list or other information from authoritative resources to identify PBT's and carcinogens. The Task Force will consult with the Division of Purchases to ensure the information source will be realistically useable by purchasing staff. Immediate priorities for implementing this policy include, but are not limited to:

- a. The state fleet is transitioning to lead-free wheel weights. The DOT is researching and trial testing a variety of lead free wheel weight alternatives. The DOT's conclusions will be shared with other state fleet managers to inform their transition to lead-free wheel weights.
- b. Lead-free alternatives are expected to be the replacement product at state owned and operated garage and maintenance facilities for passenger cars and light duty trucks by July 2006. When state fleet vehicles are serviced in privately owned garages, state officials shall specify that lead-free weights must be installed if available; however, if not available, lead weights may be installed. They must be replaced with lead-free weights when next serviced at a state garage or maintenance facility.
- c. When practical, the State will procure uniforms and clothing made of materials and constructed in a manner that will not require laundering by dry cleaning with perchloroethylene (Perc). For employees who are provided a stipend for uniforms, information on alternative cleaning methods that do not use Perc will be provided annually with uniform maintenance allowance stipends. The DEP will provide the information on alternative cleaning in electronic format for use by affected state agencies. Exempt from these requirements are employee uniforms/clothing labeled with laundering instructions that allow machine laundering in water.

### **IV. Task Force to Promote Safer Chemicals in Consumer Products**

The Governor's Task Force to Promote Safer Chemicals in Consumer Products is hereby established.

**a. Membership**

The Task Force shall consist of twelve (12) members appointed by, and serving at the pleasure of the Governor, including the Deputy Commissioner, Department of Environmental Protection, who shall chair the Task Force; the Deputy Commissioner, Department of Economic and Community Development or designee; the State Toxicologist or designee, an IPM Council Coordinator (the Department of Agriculture IPM Coordinator and the Cooperative Extension IPM Coordinator will share staffing of this single position; in the event of voting this position will have only one vote); three members from the environmental public health community including a representative from the Alliance for a Clean and Healthy Maine, a Maine environmental policy organization and a Maine public health organization; three members from the business community including a representative from a Maine manufacturer that practices environmentally sustainable production, a Maine business association and one other Maine business; one representative from a University in the University of Maine system who is involved in research and development; and, one representative of a Maine labor organization.

Other state agencies shall be called on to participate when Task Force discussion relates to their area of responsibility and expertise. The Task Force may establish committees as necessary to work on specific tasks and may invite other persons with expertise in those fields to provide information that may be helpful to the work of the committees and the Task Force.

**b. Duties**

The purpose of the Task Force is to identify and promote the use and development of safer alternatives to hazardous chemicals in consumer goods and services made, provided or sold in Maine so as to benefit public health, the environment and the economy for all Maine people. The specific duties of the Task Force are to:

- i. Survey relevant knowledge and activities related to promoting safer alternatives to priority chemicals in the areas of environmental public health policy development, green chemistry research and development, and economic incentives;
- ii. Develop recommendations for a more comprehensive chemicals policy that requires safer substitutes to priority chemicals in consumer products and creates incentives to develop safer alternatives, on a state and regional basis;
- iii. Develop recommendations on expanded consumer education, retailer education and training, supply chain information and public right-to-know in order to promote markets for safer alternatives;
- iv. Develop recommendations for submission to the Maine Science and Technology Advisory Council on expanded research and development of safer alternatives to priority chemicals in consumer products, including investment in green chemistry research and development and the possibility of developing bio-based plastics from Maine-based agricultural and forest products.

**c. Scope**

For purposes of this Executive Order, the term “priority chemicals” includes substances and their breakdown products including PBTs, very persistent and very bioaccumulative (vPvB) chemicals, carcinogens, mutagens or reproductive toxins (CMRs), neurotoxins, and endocrine disrupting chemicals (EDCs) that have been demonstrated by biomonitoring studies to be present in human tissues and fluids, that are produced in high volumes or used in ways that may result in high exposures, or that pose generally equivalent concerns as determined by the state’s qualified experts or by a body considered to be authoritative by such experts. Priority chemicals include, but are not limited to, toxic substances listed by the DEP in its programs that address toxic releases, air toxics and water toxics. For purposes of this Executive Order, “consumer products” means items or materials sold or distributed for residential or commercial use, but excludes those intended exclusively for industrial use.

**d. Procedures**

The Task Force shall meet at times and places called by the chair. Under the direction of the Deputy Commissioner, the DEP shall provide staffing assistance to the Task Force. Significant research by agency staff will occur at the discretion of agency staff and may need to be addressed within the Task Force’s proposed recommendations rather than within the duties of the Task Force. The members of the Task Force shall serve without compensation. The Task Force may accept staffing and other administrative or program support from outside sources as it deems appropriate to its duties.

**e. Reports**

The Task Force shall submit an interim report to the Governor by November 30, 2006 and a final report by October 1, 2007. Each of these reports shall include recommendations, including proposed legislation, for safer chemicals policy development and consumer education and related information as required under Duties b.ii and b.iii in this section. The Task Force shall also submit interim recommendations by November 30, 2006 and final recommendations by October 1, 2007 to the Maine Science and Technology Advisory Council on expanded research and development opportunities as required under Duties b.iv in this section. Upon submission of the final report and the final recommendations, the Task Force shall dissolve.

**V. Costs of Implementation**

State agencies will absorb the costs for their state staff to participate in the Task Force. The costs for implementing the tasks included in this Executive Order will be absorbed by the implementing agencies unless otherwise noted. The cost of implementing recommendations will be addressed as part of the recommendations.

**Effective Date**

The effective date of this Executive Order is February 22, 2006.

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John E. Baldacci  
Governor