



1 Beacon Street, 16th Floor
Boston, MA 02108

www.aimnet.org | 617.262.1180 | fax 617.536.6785

January 4, 2018

The Honorable Charles D. Baker
Governor
Massachusetts State House
Room 280
Boston, MA 02133

Re: AIM Opposition to H.5024, An Act to Protect Children, Families and Firefighters from Harmful Flame Retardants

Dear Governor Baker:

Associated Industries of Massachusetts (AIM) and its thousands of member employers urge you to veto H.5024 currently on your desk awaiting action.

AIM's mission is to promote the prosperity of the Commonwealth of Massachusetts by improving the economic climate, proactively advocating fair and equitable public policy, and providing relevant, reliable information and excellent services on behalf of thousands of members throughout the state.

H.5024 would ban any manufacturer, distributor, or retailer from selling, offering for sale, manufacturing for sale, distributing in commerce, or importing into the Commonwealth any bedding, carpeting, children's product, residential upholstered furniture, or window treatment containing one of the 11 flame retardants identified in the bill. The legislation would also direct the Toxics Use Reduction Institute Science Advisory Board to examine health issues related to other flame retardants and release recommendations for further regulation based on their findings.

There are numerous unintended consequences surrounding H.5024. The bill was engrossed without debate during the last days of 2018 during an informal session. This last-minute adoption made it difficult for the business community to discuss the ramifications of this bill on businesses in Massachusetts.

We oppose this bill for the following reasons:

- This legislation is unnecessary and could undermine effective national regulation of chemicals. It creates a single-state Massachusetts-only regulatory structure that is more stringent than federal standards and more stringent than California standards. This inconsistency will create confusion in the marketplace. The industry has supported the

California legislation as a substitute so that laws and regulations could be consistent across state lines.

- This bill will create significant issues for interstate commerce. Manufacturers sell their products worldwide. If a manufacturer is prohibited from using materials that are legal in other states or countries, that manufacturer will be put at a competitive disadvantage versus manufacturers from other areas which do not have to comply with this law.
- It creates a bureaucratic tracking requirement run by the already stressed Department of Environmental Protection based on an undefined process to track thousands of products sold in-state. Products not available in-state will still be available through the internet regardless of this law. Enforcement will be costly and difficult, particularly where there is no current tracking of these products.
- The bill gives the Toxics Use Reduction Institute Science Advisory Board the authority to ban additional flame retardants, creating further uncertainty for companies in Massachusetts, yet there is no provision to assist companies in researching alternatives or transition from these materials to other raw materials that meet rigorous flammability safety standards.

For these reasons we urge you to veto H.5024.

Should you have any questions please do not hesitate to contact me at 617-488-8308.

Sincerely yours,

A handwritten signature in cursive script that reads "Robert A. Rio".

Robert A. Rio, Esq.
Senior Vice President and Counsel
Government Affairs