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Safe Cosmetics Legislation in Vermont: Passing H.308 in the Vermont Legislature

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Vermont

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ABSTRACT

People are exposed to environmental toxins everyday. In the United States, the regulations governing environmental toxins in personal care products are not sufficient. In 2005, California passed the Safe Cosmetics Act. This act required cosmetics manufacturers to disclose to the state any ingredient that is listed on state and federal lists of chemicals, which cause cancer or birth defects. The law also required companies to release health related information about chemicals used in their products. This thesis assessed the plausibility of Vermont's ability to pass a parallel Safe Cosmetics Act based on the California model. By working with Representative Jill Krowinski (D-Chittenden 6-3) this project thesis introduced and followed H. 308 a Safe Cosmetics Bill through the Vermont legislature.

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KEY WORDS

Carcinogen

Cosmetic

Personal Care Product

Safe Cosmetics Bill

Toxic

PREFACE

This past fall my Aunt Kathy died of breast cancer after fighting for her life for seven years. The type of breast cancer she had was not hereditary, which could mean that at some point in her life she was exposed to a carcinogen, which caused her cells to divide improperly. Although lifestyle choices account for only a small percent of a woman's risk and likelihood of developing cancer, if there is any way to prevent exposures to toxins, I believe this should be a top priority for our society. Cancer rates have increased at an alarming pace, yet the American Cancer Society states on its website:

"A lot of research is being done to learn how the environment might affect breast cancer risk. This issue understandably invokes a great deal of public concern, but at this time research does not show a clear link between breast cancer risk and exposure to things like plastics, certain cosmetics and personal care products, and pesticides (such as DDE). More research is needed to better define the possible health effects of these and similar compounds."

This is incredibly frustrating. If the United States used the precautionary principle and completed the studies necessary to determine if factors such as use of certain personal care products caused cancer, maybe my aunt would still be alive today.

When I was eight a teacher asked me what I want to be when I grow up. I responded that my dream was to be the first woman President of the United States. In retrospect that seems very silly to me now, knowing that I will never have the financial resources available for such a lofty goal, however I still believe that I will be able to affect the most positive change through politics. My adjusted goal is to be a United States Senator with the same progressive agenda as Senator Bernard Sanders, whom I had the pleasure of interning for my sophomore year of college. I believe that a step on the way to this goal is to be elected to the Vermont legislature. One of my personal thesis goals is

to learn as much as I can about the life of a Vermont representative or senator in the hopes that one day I will be one of these elected leaders working to better the lives of my fellow Vermonter's. I also believe that by entering politics I can work to help ensure that everyone has access to a safe environment. If I join the political process to fight for what I believe is right, then maybe I can help to protect people, such as my aunt, from carcinogens in the environment.

INTRODUCTION AND OVERVIEW

This thesis looked specifically at existing toxic chemicals present in cosmetics and body care products to see how they are regulated by state and federal government agencies. It explored how Vermont state government could regulate more chemicals than the federal government currently does. Due to the United States Congress's failure to pass more stringent legislation, individual states have begun to pass their own legislation. As part of the Children's Safe Products Act, Washington State passed legislation in 2008 banning phthalates from personal care products, marketed to or used by kids (Campaign for Safe Cosmetics, 2012). In 2005 California passed a law that protected its consumers by requiring transparency about chemicals that have been linked to cancers and birth defects. Vermont is a small state with a currently liberal governing body that supports a progressive agenda. This thesis reports on my project to introduce and pass a Safe Cosmetics Bill, based on the 2005 California Safe Cosmetics Act, through the Vermont legislature.

Many people suffer from cancer and related health problems. How many of these could have been avoided if people had just known not to use specific products that had carcinogens in them? This study is based on the assumptions that low doses of carcinogens in body care products dependent on timing of exposure can cause serious health problems later in life. There are not good labeling standards and there is not enough stringent regulation governing the chemicals that are allowed into products in the United States. This work will be of potential significance to all people who use personal care products. It will contribute to understanding how California passed the Safe

Cosmetics Act and how those standards could be implemented in Vermont in 2013 or 1014.

Purpose of Thesis

What is the possibility that legislation such as California's Safe Cosmetics Act could be passed in Vermont? My hypothesis is threefold. First, if there were awareness of the issue of toxics in personal care products, then people would support similar legislative attempts in the State of Vermont. Second, if politicians were made aware of the success in California, and of the problem that exists, then they would be more inclined to create legislation based on the precautionary principle. Third, if Vermont residents pressure their elected senators and representatives then it is more likely that the bill will pass. Based on the theory of green drift, citizens and politicians are becoming more aware of environmental issues and are prioritizing a safer environment. I will spread awareness to the current politicians in Vermont about the success in California, and see if they would support passing H. 308 a bill that is worded similarly to the existing Safe Cosmetics Act in California.

Scope, Background, and Significance of the Problem

Most people in America use personal care products, thus if there are dangerous chemicals in them, then everyone is affected by this problem. In Europe there are thousands of chemicals that are banned from use in food products and personal care products. In the United States, only 20% of the chemicals used by the cosmetics industry have been subjected to testing by the Food and Drug Administration. Politicians in California believed that this was unacceptable, and created their own policies regulating

chemicals in personal care products. It was a small step, because all it required companies to do was to report the use of potentially hazardous ingredients to the state Department of Health and Human Services (DHHS) who would alert consumers if there were carcinogenic ingredients present in their products. The DHHS was also given authority to investigate whether products contain substances that could be toxic under normal use and to require manufacturers to submit appropriate health data (Vogel 216, 2012). This is an important problem because the average women uses twelve personal care products daily while the average man uses six. When these unregulated chemicals accumulate in the body, people can develop an overall toxic body burden that may be extremely high (Malkan 2, 2009). This thesis is significant because until 2013 no one has attempted to pass Safe Cosmetics legislation in Vermont.

Conceptual/Theoretical Framework, Assumptions, and Definitions

I used the precautionary principle when evaluating the need for new legislation in Vermont. The precautionary principle suggests that

> "when an activity raises threats of harm to human health or the environment, then precautionary measures should be taken even if some cause and effect relationships are not fully established scientifically. In this context the proponent of an activity, rather than the public, should bear the burden of proof. The process of applying the precautionary principle must be open, informed and democratic and must include potentially affected parties. It must also involve an examination of the full range of alternatives, including no action" (Wingspread Statement 1, 1998).

The European Union (EU) used the precautionary principle to ensure their people are protected from toxic exposure caused by body care products that people use every day. California followed the EU's example. This thesis analyzed Vermont's support of the use of the precautionary principle by attempting to pass a Safe Cosmetics bill.

REVIEW OF LITERATURE

In a study completed at the federal level in 2008 by the Agency for Toxic Substances and Disease Registry (ATSDR), it was found that environmental factors contribute to more than 25% of all diseases worldwide. President George W. Bush requested this study after the September 11th attacks because there were many toxins released into the environment and members of the public were concerned. President Barack Obama's administration completed the study, which found that the cost of just four childhood health problems linked to chemical exposures including lead poisoning, asthma, cancer and developmental disabilities is greater than $54 billion. Chemical exposures occur in the workplace, homes, schools, hazardous waste sites and in the bathroom. Many times these exposures are difficult to identify and control which has lead the public to be very concerned (ATSDR, 2009).

The average woman uses over 12 personal care products daily, which contain over 168 chemical ingredients. Men use about six products per day, which have around 85 chemicals. For example in one day a woman interviewed used shampoo, conditioner, soap, face wash, tooth paste, mouthwash, lotion, mascara, cover-up, lip balm, hand soap in the bathroom, and hand sanitizer. These are absorbed, inhaled and ingested into people's bodies (Malkan 2, 2009).

"For years scientists have struggled to explain the rising rates of some cancers and childhood brain disorders. Something about modern living has driven a steady rise of certain maladies, from breast and prostate cancer to autism and learning disabilities. One suspect is now drawing intense scrutiny: the prevalence in the environment of certain industrial chemicals at extremely low levels. A growing body of animal research suggests to some scientists that even minute traces of some chemicals, always assumed to be biologically insignificant, can affect such processes and gene activation and the brain development of newborns" (Waldman, 2009).

However, the world's largest cosmetics companies have taken the position that small amounts of hazardous chemicals are safe to use in cosmetics. Generally, the chemicals have only been tested for short-term effects such as swelling, rashes and eye irritation (Malkan 11, 2009). There are major loopholes in U.S. federal law, which allow companies to put unlimited amounts of toxic and untested chemicals into products. "Except for chemicals added directly to food, there is no legal requirement for health and safety testing or human exposure monitoring for any chemical in commerce" (Fischer 1, 2006).

A recent study has found that hundreds of varieties of skin and tanning lotions, nail polish, mascara and other personal care products that are being sold in the United States contain known or possible carcinogens, mutagens and reproductive toxins (Vogel 214, 2012). The "FDA does not review what goes into cosmetics before they are marketed, cannot compel companies to provide data- including health effects data- and cannot recall products" (Campaign for Safe Cosmetics, 2012). Of the more than ten thousand ingredients used in cosmetics and personal care products, 80% have never been subjected to a safety evaluation by the FDA because it does not have the authority to complete the needed tests, or to ban chemicals once it finds they are harmful (The Environmental Working Group 1, 2012).

The Campaign for Safe Cosmetics has recently attempted to pressure the cosmetics companies to voluntarily adapt restrictions on their chemical ingredients. Their goal is for corporations to regulate ingredients similar to those regulated in Europe. Some companies have begun to remove toxic ingredients from their products, but not at a fast enough rate. Avon and Proctor & Gamble have announced plans to eliminate the

phthalate DBP, a plasticizer found in nail products. Although Proctor & Gamble agreed to eliminate DBP it emphasized that it did not do this for safety reasons. It also stated that it plans to continue to use other phthalates at "trace levels" in some of its products (Vogel 217, 2012). Unilever actually said that it believes phthalates are safe and the Cosmetic Ingredient Review Panel agreed (Malkan 44, 2009).

European Union Legislation

The European Union takes a different approach to regulation. In 1997, the EU created the Scientific Committee on Cosmetic Products, which in 2004 was renamed the Scientific Committee on Consumer Products. The committee is comprised of an independent group of scientists who are experts in risk assessment. They evaluate chemicals and recommend and review lists of substances whose use is prohibited or restricted. They evaluate chemicals that fall into the categories of colorants, preservatives, and ultraviolet filters. Since 2002, the EU has strengthened its law. The most important statutory change was the Seventh Amendment (Vogel 212, 2012). The amendment was added to the Cosmetics Directive, a law that regulates cosmetics in all EU countries. The amendment banned animal testing of cosmetics, and banned chemicals that are known or suspected of causing cancer, genetic mutation or birth defects from use in cosmetics. They listed two phthalates, DEHP and DBP, which were classified as Class 2 reproductive toxicants, meaning they were suspected of causing reproductive damage (Malkan 26, 2009). They also banned the use of three major classes of toxic ingredients, mainly those that pose a risk of cancer, cause hormonal or reproductive disturbances, or cause genetic damage. The amendment doubled the number of prohibited ingredients,

which resulted in the number of substances banned from use in cosmetics to over one thousand (Vogel 212, 2012).

In 2007 the European Union created new legislation to regulate chemicals and their safe use. REACH, which stands for Registration, Evaluation, Authorization and Restriction of Chemical Substances was developed with the intent to protect human health and the environment through better and earlier identification of the properties of chemical substances. REACH places greater responsibility on the industry to manage risks from chemicals and to provide safety information on substances. The industry is required to register information in a central database run by the European Chemicals Agency (ECHA). This is a public database where consumers and professionals can find hazard information. REACH calls for "the progressive substitution of the most dangerous chemicals when suitable alternatives have been identified" (European Commission, 2013). The main reason for creating REACH was that a large number of substances that have been manufactured and are on the market, oftentimes in high amounts, have not been assessed for their impact on human health and the environment. There is a need to fill in the gaps in information to assess the hazards of the chemicals and to identify risk management measures to protect people and the environment. REACH will take eleven years to phase in because the funding is not fully available and the internal programs need time to be set up to run properly. The personal care products companies also need time to deal with the new legislation so that they are not in violation of the law.

When comparing the cosmetic regulation laws of the United States and Europe, there are vast discrepancies. The EU has introduced mandatory labeling requirements for nanoscale ingredients used in cosmetics, while the US Food and Drug Administration has

recommended against labeling. As of 2005, fewer than two dozen chemicals have been restricted or banned in the United States by the FDA for use in body care products, which compares with over one thousand in the European Union. Europe has consistently used the Precautionary Principle, which states that if a policy has a suspected risk of causing harm to the public or the environment, regardless of scientific consensus stating that the action or policy is harmful, then the burden of proof falls on policy makers who will be responsible for taking the action. In the United States, officials have consistently criticized the Precautionary Principle and argued that it undermines the importance of scientific risk assessments because it is likely to lead to regulations, which will be based on public fears of risk instead of sound science (Vogel 9, 2012). The precautionary principle requires regulatory authorities to take action when something is deemed harmful, to prevent people from exceeding the acceptable level of risk. Due to a more positive view of government in the EU, European citizens are more likely to accept the government's regulations, while in the US people fear regulation and too much government power (*Green Giants*, 2004).

United States Legislation: Past, Present and Future

In the United States, the safety of cosmetics products is linked most closely with the Cosmetics Ingredient Review Board (CIRB), which was established in 1976. The CIRB is funded and run by the industry trade association and received support from the FDA and the Consumer Federation of America. It has also received funding from the Cosmetic, Toiletry and Fragrance Association, meaning they regulate themselves, which is a conflict of interest (Malkan 27, 2009). Its job is to review and assess the safety of the

more commonly used ingredients found in cosmetics. It bases its conclusions on studies found in scientific journals and it classifies the chemicals according to their known or probable risks. The CIRB has no legal authority and the FDA is not obligated to act when it finds worrisome information (Vogel 211, 2012). This means "the FDA has in practice no formal authority to control market access and has comparatively little expertise in cosmetics…. The U.S. market, in short, has a weak regulatory structure with limited government monitoring and enforcement" (Bach and Newman 685, 2008).

There have been no changes in federal cosmetics regulation in the United States since the 1960s. Only 11% of the 10,500 ingredients found in cosmetics products have been assessed for their safety by the CIRB (Vogel 211, 2012). The US Food and Drug Administration does not have the authority to require corporations and companies to test personal care products before they go on the market. It does not even have the authority to recall harmful cosmetics (Malkan 27, 2009).

Before 1976, the U.S. government had almost no records of what chemicals were imported, manufactured or released into the environment, and no way of regulating these chemicals before they appeared on the market. There were about 62,000 chemicals in commerce in 1976 before Congress passed the Toxic Substances Control Act (TSCA), which required companies to inform the EPA of the chemicals that they use in American products, and to submit approval requests for new chemicals entering manufacture. The existing chemicals were grandfathered in and the EPA has only requested testing of around 200 of the chemicals and banned only five chemicals (Phillips, 2006). In 2013 there were over 85,000 chemicals available for use (Urbina, 2013).

Thirty years after this law went into affect, the U.S. Government Accountability Office (GAO) was asked to investigate how TSCA has actually functioned. “A report released in June 2005 by the GAO titled *Chemical Regulation: Options Exist to Improve EPA’s Ability to Assess Health Risks and Manage Its Chemical Review Program* claims that the TSCA legislation failed to empower the EPA to ensure the safety of chemicals used in the United States” (Philips, 2006). The GAO and other environmental scientists have taken the position that the TSCA is in need of a major reworking if it is to adequately protect the health of U.S. citizens and the environment. John B. Stephenson, the Director of Natural Resources and Environment at the GAO, stated in 2006 that regulating chemicals has been difficult because “TSCA places the burden of proof on the EPA to show that a chemical is *dangerous* rather than on the chemical company to show that it is *safe*. If EPA scientists suspect, based on existing information, that an existing chemical may pose a risk, the agency must go through a long rule-making process in order to get that information from the chemical industry. This process can take years to complete” (Philips, 2, 2006).

According to Dr. Richard Dension, the senior scientist at the Environmental Defense Fund, “Under this law, the EPA can’t even require testing to determine whether a risk exists without first showing a risk is likely.” If the EPA doesn’t take the steps to block a new chemical within 90 days or suspend review until the company provides requested data, then the chemical is given a green light by default. The only chemicals that have been regulated by the EPA as of 2013 are polychlorinated biphenyls, dioxin, hexavalent chromium, asbestos and chlorofluorocarbons (Urbina, 2013).

In the 1980's the U.S. Fifth Circuit Court of Appeals overturned the EPA's ban on asbestos. They ruled that the EPA had failed to demonstrate two requirements of TSCA, which are that asbestos presented an "unreasonable risk" to public health and that banning it and replacing it with safer alternatives was the "least burdensome approach." The court stated that controlling toxic substances after they are released into the environment was less burdensome than preventing pollution in the first place. The asbestos ruling has been viewed as a death knell for regulation of existing chemicals and has set the precedent that use of the precautionary principle in the United States is not appropriate policy. The GAO has recommended that the TSCA be rewritten with a few small changes. Stephenson has stated that changing the law to require the EPA show a chemical "may" rather than "will" present health risks (Philips, 3, 2006), will make a huge difference in how enforcement actually happens, and would allow for regulation of more chemicals. By stating "may" the agency does not need to prove that there is a risk and can regulate if there is even a slight chance of harm.

In 2012 the Obama Administration proposed reforms for cosmetic regulation. Similar to the FDA drug registration program for drug manufacturers, the Administration created legislation authorizing a cosmetic manufacturers fee to help fund the establishment of a mandatory cosmetic registration program. This would require companies to register their products by submitting the product, ingredient, and facility information to the FDA, which would make the Voluntary Cosmetic Registration Program mandatory. This information would enable the FDA to better develop cosmetic regulations and monitoring approaches of cosmetic products (Beveridge & Diamond, 2012).

On March 27, 2012, in response to public pressure from recent scandals including formaldehyde in hair products, lead in lipstick and mercury in face cream, the U.S. House Energy and Commerce Health Subcommittee received testimony for the first time in 30 years on the safety of cosmetics and personal care products. No witnesses representing health impacted salon workers or consumers were called to testify, and four of the six witnesses who testified represented the industry. Michael DiBartolomeis, PhD toxicologist and head of the Safe Cosmetics Program for the California Department of Health testified that companies reported to his office 17,060 personal care products that contain one or more of 96 carcinogens or reproductive toxicants (Organic Beauty Talk, 2012).

To address the issues brought up in the 2012 committee meeting, three legislative proposals were circulated. The first was the Safe Cosmetics Bill, which was introduced by Representative Jan Schakowsky (D-IL) and Representative Ed Markey (D-MA). More than 100 consumer, public health, medical, faith and environmental groups supported this proposal. The second proposal was for a Cosmetics Safety Enhancement Bill, which was introduced by Reps. Frank Pallone (D-NJ) and John Dingle (D-MI). This bill called for companies to pay $500 in user fees and would grant recall authority to the FDA for cosmetics. This bill would not provide protections against carcinogens and reproductive toxins in cosmetics, would not require full disclosure of cosmetic ingredients and would not contain a strong safety standard. The third legislative proposal was written by the Personal Care Products Council, which seeks to have the FDA codify into law decisions about ingredient safety made by the Cosmetics Ingredient Review Panel. Michael Landa, Director of the Center for Food Safety and Applied Nutrition at the FDA, stated that this

move would be unprecedented and possibly unconstitutional. As of 2013 none of these three proposed federal bills have been turned into law.

Most recently in 2013, a new bill has been introduced with the goal of closing "gaping holes in the outdated federal law that allows cancer-causing chemicals in baby shampoo, hormone disrupters in fragrance and lead in lipstick" (Campaign for Safe Cosmetics, 2013). It is based on the 2012 Safe Cosmetics Bill, which did not pass. This bill is called The Safe Cosmetics and Personal Care Products Act of 2013 (H.R. 1385) and was introduced on March 21, 2013 by Representatives Jan Schakowsky (D-IL) and Ed Markey (D-MA). It is designed to give the U.S. Food and Drug Administration increased authority to remove harmful ingredients from personal care products and disclose if there are toxic ingredients being used. The existing relevant law is the Food, Drug and Cosmetics Act of 1938 which delegates decisions about ingredient safety to the cosmetics industry. Because the EPA cannot require companies to conduct safety assessments, they can't recall products. For example, the FDA was not able to recall Brazilian Blowout hair straightening products even though they had formaldehyde in them. The new bills would begin the phase-out of ingredients linked to birth defects, cancer and developmental harm. It would create a health-based safety standard that has specific protections for children, elderly people, the working class and other people who are vulnerable. It would eliminate labeling loopholes by requiring full ingredient disclosure on product labels and company websites, specifically on salon products. It would also require companies to disclose their "trade secrets" and they would not be allowed to just write "fragrance." H.R. 1385 would give workers access to information about unsafe chemicals in personal care products that would benefit salon workers and

others who are exposed every day to a multitude of harmful chemicals. It would require data sharing in order to avoid duplicate testing and to encourage the development of alternatives to animal testing. Lastly it would mandate adequate funding to the FDA Office of Cosmetics and Colors so it has the resources it needs to provide effective oversight of the cosmetics industry (Campaign for Safe Cosmetics, 2013). This bill currently has 16 sponsors and has been introduced in the U.S. House of Representatives where it was referred to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce.

Senator David Vitter (R-LA) is expected to introduce a competing bill, which is likely to gain the support of the chemical industry. This bill will most likely not require prior testing on many chemicals and would demand less data from companies than the Safe Chemicals Act. This bill is expected to gain Republican support and will split the Senate down party lines, which is likely to stall reform.

In the absence of federal action, more than 20 states have created their own toxic substances programs to control chemical safety. This is creating a confusing situation for businesses that wish to sell their products in states with different standards. Environmental health advocates state that pending effective federal reform, individual state programs are the best alternative, although for now consumers and companies looking for safer alternatives are largely on their own (Urbina, 2013).

California Legislation

Based on the relative laxity of U.S. Federal regulation of cosmetics, the State of California enacted its own legislation. On October 8 2005, Arnold Schwarzenegger,

under immense citizen pressure, signed the Safe Cosmetics Act. This requires manufacturers to report the use of potentially hazardous ingredients to the California Department of Health and Human Services (DHHS), creating a list based on Proposition 65, following which the DHHS will alert consumers. The DHHS was also given authority to investigate whether products contain substances that could be toxic under normal use and to require manufacturers to submit appropriate health data (Vogel 216, 2012).

Proposition 65 was a ballot initiative in California in 1986 to address growing concerns about exposure to toxic chemicals. The initiative became the Safe Drinking Water and Toxic Enforcement Act, passed in 1986 and requires the state to publish a list of chemicals known to cause cancer or birth defects or other reproductive harm. This list needs to be updated each year and as of 2013 includes over 800 chemicals since it was first published in 1987. Proposition 65 requires businesses to notify Californians about significant amounts of chemicals in the products they purchase, in their homes or workplaces or that are released into the environment. The Office of Environmental Health Hazard Assessment (OEHHA) administers Proposition 65 and the California EPA evaluates all available scientific information on substances considered on the list. The Attorney General's Office in California enforces it. Chemicals are added to the list in one of four different ways. A chemical can be listed if either the Carcinogen Identification Committee (CIC) or the Developmental and Reproductive Toxicant (DART) Identification Committee finds that the chemical has been clearly shown to cause cancer or birth defects or other reproductive harm. These committees are part of OEHHA's Science Advisory Board and the Governor appoints their members. A second way chemicals are listed is if an organization designated as an "authoritative body" by the CIC

or DART Identification Committee has identified a chemical as causing cancer or birth defects or other reproductive harm. The U.S. Environmental Protection Agency, U.S. Food and Drug Administration (U.S. FDA), National Institute for Occupational Safety and Health, National Toxicology Program, and International Agency for Research on Cancer have all been designated as authoritative bodies. A third way a chemical is listed is if an agency of the state or federal government requires that it be labeled or identified as causing cancer or birth defects or other reproductive harm. These mainly include prescription drugs that are required by the U.S. FDA to contain warnings relating to cancer or birth defects or other reproductive harm. The fourth way requires the listing of chemicals meeting certain scientific criteria and identified in the California Labor Code as causing cancer or birth defects or other reproductive harm. (OEHHA, 2013)

The Safe Cosmetics Act SB 484 passed the Senate with a 43-35 vote in August 2005. The cosmetics industry is a $50 billion dollar industry and because the bill would heavily affect their business many companies fought against it. Proctor & Gamble spent over $260,000 to lobby against the bill and the Cosmetics Trade and Fragrance Association spent over half a million dollars to fund opposition efforts (Malkan 90, 2009). Once Schwarzenegger signed the California Safe Cosmetics Act, it went into effect on January 1, 2007. The law states that “cosmetics companies must disclose to the state if their products contain ingredients linked to cancer or birth defects; the state can also demand health-related information about cosmetic ingredients from manufacturers, and regulate products to protect salon workers if a risk is determined” (Malkan 90, 2009). Although the bill does not ban any ingredients or require new labeling, it will provide full disclosure of toxics in body care products.

Since the Act took effect in 2007, the California Safe Cosmetics Program, the California Attorney General's Office, and the California Department of Public Health have collaborated to ensure compliance with the Act. They added five chemicals to the CSCP Chemical List in 2010, which invoked mandatory reporting by manufacturers who used these chemicals in a cosmetic product. On April 28, 2010, the California Attorney General's Office and the Department of Public Health sent a joint letter to over 7,000 manufacturers who were in violation of the Act because they had not provided a notice disclosing the presence of the listed chemicals in their products. In 2011 CSCP re-launched their online reporting system to make the required reporting easier for cosmetics manufacturers (Shah, 2012).

Following the success in California, other states have attempted to pass similar legislation. In 2007 a Washington Safe Cosmetics Bill was introduced that was modeled after California's act. It never made it out of committee and was not reintroduced. In 2010 state legislators introduced the Colorado Safe Personal Care Products Bill, which would have been more aggressive than the California Safe Cosmetics Act. Under this bill, if a product contains a chemical identified by an authoritative body to cause cancer or reproductive toxicity, its sale would be banned. In March 2010, the Judiciary Committee voted the bill down. New York also introduced a Safe Cosmetics Act, which would empower the New York State Department of Health to investigate products that contain chemicals identified as causing cancer or reproductive toxicity. To ensure public disclosure of the most harmful chemicals, separate legislation was intruded that would have required labeling of cosmetic products D4 or D5 siloxanes, phthalates, triclosan, parabens, or synthetic chemical musks. There was also a bill introduced to promulgate

regulations concerning the use of certain chemicals in nail salons, that would have required salons to display signs in a prominent place identifying the chemicals that are used and explaining the potential safety hazards and health risks associated with them (Shah, 2013). These bills have not passed New York's legislature as of 2013.

Vermont Legislation

The state of Vermont currently has 30 senators. There are 20 Democrats, 7 Republicans and 3 Progressives. There are 150 representatives including 94 Democrats, 48 Republicans, 5 Progressives and 3 Independents. Based on traditional party lines Democrats have been more willing to support more stringent legislation in the past. In order to pass legislation, there needs to be a majority, which the Democrats, who are in favor of more progressive legislation, currently have (The Vermont Legislative Directory 1, 2012). Burlington representatives Kesha Ram (D- Chittenden 6-4) and Jill Krowinski (D- Chittenden 6-3) have expressed interest in developing and passing Safe Cosmetics legislation through the Vermont legislature in the 2013 and 2014 legislative session.

A bill might take months before it is passed. When legislators decide they would like to work on a new piece of legislation, they may submit the bill for proposed law. They can either do this alone, or co-sponsor the bill. The bill will then be assigned to a relevant standing committee of the House or Senate where it will possibly be scheduled on the calendar, which includes hearings of the proposed legislation. If the committee passes the bill, than a report is prepared. The bill will be presented in the relevant chamber of the legislature and be placed on the legislative calendar at the direction of the Speaker of the House or the Majority Leader of the Senate. If passed, the bill will go to

the other chamber and if it is passed there then it is reconciled and given to the Governor for signature (Manheim 255, 2009).

Vermont has been a leader at the forefront of the fight for consumer protection and community right to know laws. The Office of the Attorney General in Vermont has a Consumer Protection Unit, which investigates and prosecutes violations of Vermont's consumer laws that prohibit businesses from engaging in unfair or deceptive acts or practices. Through the Consumer Assistance Program (CAP), the Attorney Generals office resolves individual consumer complaints, investigates allegations of consumer fraud, and resolves consumer fraud abuses in a way that restores consumer losses and deters future violations of law. Under the Vermont Consumer Fraud Act, the Attorney General's Office will file suit against violators. Since 2008 the State of Vermont has enacted four laws to limit exposure to lead, phthalates, flame retardants and Bisphenol A (Office of the Attorney General, 2013). The State of Vermont has exhibited that consumer protection is a top legislative priority.

In 1996 Vermont updated its laws regarding lead safety in rental housing and childcare facilities, which strengthened lead safety protections in Vermont. The new law requires owners of residential units built before 1978 to perform Essential Maintenance Practices to reduce lead paint poisoning hazards unless the home has been certified lead-free. Under the Burlington Ordinance the owner is expected to check to see if there is lead paint in the building. If there is and especially if the lead is chipping off, then the owner is expected to repair and stabilize the areas and restrict access to those areas until they have completed the repairs. The owner has until May 31 of the following year to repair the areas (CVOEO, 2009).

In 2008 Vermont enacted Act 171 18.V.S.A. 1511 to limit the concentration of phthalates in toys and in childcare articles such as teethers and pacifiers. Phthalates are chemicals that are used to soften plastics, yet there is evidence that they are endocrine disruptors, which affect hormone levels and can cause certain birth defects. The state quantitative limits in this area are the same as the federal limits, except for their phase-in dates. Under both state and federal law, "no toy or child care article designed or intended for use by children under the age of three may be sold that contains more than 0.1 percent of any of the first group of phthalates; and, pending further study, no toy that can be placed in a child's mouth or child care article designed or intended for use by children under the age of three may be sold that contains more than 0.1 percent of any of the second group of phthalates" (Office of the Attorney General, 2013). The state statute also requires manufacturers to use the least toxic alternative when replacing regulated phthalates and also prohibits them from using chemicals that may cause cancer or reproductive toxicity as alternatives and replacements.

In 2009 Vermont enacted Act 61 9 V.S.A. 2971 which limited brominated flame-retardants in certain consumer products. Concerns have been raised about chemical flame-retardants that are used in products such as televisions, computers and fabrics to stop fires from occurring or slow the spread of fires that have occurred. There are three major types of polybrominated diphenyl ethers (PBDEs), which have widely been used in products since the 1960's. These include Penta, Octa and Deca. The sole manufacturer in the U.S. of Penta and Octa ceased production in 2004, which left Deca as the remaining PBDE used commercially. Act 61 specifically prohibits any person from offering or distributing for sale "(1) as of July 1, 2010, any product containing more than 0.1 percent

by weight of the flame retardants octaBDE or pentaBDE; (2) as of July 1, 2010 (except for inventory purchased before July 1, 2009), any mattress, mattress pad, or upholstered furniture containing more than 0.1 percent by weight of decaBDE; and (3) as of July 1, 2012 (except for inventory purchased before July 1, 2009), any television or computer with a plastic casing containing more than 0.1 percent by weight of decaBDE" (Office of the Attorney General, 2013). The Attorney Generals office may request that manufacturers of any products covered under Act 61 produce a certificate of compliance with the law, and if the manufacturer does not comply they must notify sellers of any non-compliant product and submit to the Attorney General a list of those notified.

In 2010 Vermont proposed a ban on the chemical Bisphenol A (BPA), which was being used in plastics. It is used to harden plastics such as Nalgene bottles and the linings of food and beverage cans. It has been linked to developmental and reproductive defects along with other health effects. Act 112 18. V.S.A. 1512 prohibited baby food and infant formula from being stored in containers that contain BPA. It also prohibited the manufacture, sale or distribution of beverage containers such as baby bottles, spill-proof cups, sports water bottles and thermoses that contain BPA. The law required manufacturers to replace BPA in these products with the least toxic alternatives and prohibited them from replacing BPA with certain carcinogens or toxicants that affect people's reproductive systems. Under Senate Bill 247, the restrictions in Vermont were enacted on July 1, 2012 (NCSL, 1, 2012).

As of May 2013, there still are not strong enough federal regulations governing the use of toxic ingredients found in personal care products. None of the federal bills introduced in 2013 have passed either the U.S. House or the Senate. California's Safe

Cosmetics Act lacks sufficient funding, but they have identified over 800 ingredients that are toxic, so their studies have been a success. Given more funding, California could complete more studies and provide better information to the public. In Vermont progressive legislation is introduced each legislative session and although there is not an existing Safe Cosmetics Act, it could gain the support needed to pass and become existing law.

METHODOLOGY AND WORK PLAN

Goals

The goal of this policy-making project was initially to pass Vermont legislation, which would require labeling of personal care products when they contained carcinogens or reproductive toxicants. If products were labeled, it would give the consumer greater choice and control over their health. If people do not know that ingredients in their products are toxic because the products are not labeled with warnings, then they will not have the option to choose a safer alternative. After speaking extensively with Representative Jill Krowinski (D-Burlington) and the Chair of the Human Services Committee Ann Pugh (D- Chittenden 7-2), my goal was readjusted to develop a bill based on California's existing Safe Cosmetics Act. When Chair Pugh made it known that there were other bills that were a higher priority for the 2013 legislative session, my goals were further adjusted. The new goal was to gain as much support as possible and spread awareness about the issue to many representatives and senators so that during the 2014 legislative session this bill would have support to become existing law.

Groundwork

In order to pass a successful bill, representatives need to fully understand the legislative process and the existing legislation. I spent hours researching the use of the precautionary principle in the European Union and their program to deal with toxicity in personal care products called REACH. It was also crucial to comprehend the lack of regulation in the United States. I researched California's Safe Cosmetics Act thoroughly in order to present it as a success, so that when representatives inquired about how the

bill would work in the state of Vermont, I could fully explain the benefits. I researched Vermont's history of similar legislation in order to analyze if a Safe Cosmetics Bill could pass, and to see how other states had dealt with initiatives similar to California.

Planning Strategy

Through extensive meetings, Representative Krowinski (D-Burlington) explained how she foresaw the Safe Cosmetics Bill moving through the legislature. Acknowledging that the bill would not become law in the 2013 legislative term, Representative Krowinski agreed the goal was to mount as much support for it as possible in order to pass it in a year or two. The strategy included writing the bill, getting assigned a number and moving it to the relevant committee. Then it was necessary to involve constituents by writing letters to the editor, and drawing the media to the issue. The strategy also included gathering support from representatives and senators. For this I prepared a one-page fact sheet explaining the bill, and spent hours in the lunchroom at the State House speaking to as many people as possible. After the conversations, I created a chart to keep track of who had been reached and to assess who still did not know about the bill. Representative Krowinski was amenable to the idea of bringing in University of Vermont students to help lobby for the bill. In order to help those students understand their role, I created a "How to Lobby Your Senator" worksheet (see appendix 3).

Preparing the Bill

The first step was asking for assistance in writing the bill. In this case the bill was based on California's existing legislation but adapted to Vermont's constitution.

Representative Krowinski asked the lawyers who work for the state house to draft a bill worded almost identically to California's 2005 Safe Cosmetic Act. Jennifer Carbee, (Legislative Counsel, Office of Leg. Council) was in charge of drafting the bill and insuring that the bill met the requirements for Vermont, while following the existing California bill as closely as possible. Once the bill was written, Representative Krowinski and I discussed revisions and sent the bill back to be redrafted. Once the bill was returned, Representative Krowinski and I found other representatives to co-sign the bill. Our goal was eight or more co-signers. I was responsible for arranging meetings with representatives, explaining the bill to them, and asking for their support. When various representatives agreed to support the bill, Representative Krowinski had them initial their support on the required form with the list of all representatives. This indicated they would be listed on the bill as co-sponsors. Representative Krowinski handed in the bill with nine signatures. It was assigned the number H. 308.

Gathering Support

To gather support from the State House it was necessary to make contact with as many elected officials as possible. I spent hours in the cafeteria speaking with representatives and senators, explaining why the bill would benefit Vermont citizens, asking for support and handing out the one page fact sheet for people to refer to later. When legislators were interested, I wrote down their names and contacted them later via e-mail to ensure they would not forget about the bill. The initial idea was to have a petition and gain as many constituent signatures as possible to show to the House of

Representatives. However, without the backing and support of other NGO's or other people who could work on the project, the petition never materialized.

I sought support from non-profits and national campaigns that are working on the issue of safe personal care products. These organizations have supported other progressive legislation on the national level and legislation benefitting human health and the environment on the local level. See chart below:

Chart 1: Non-Profits Contacted for Support of H. 308

Vermont Commission on Women	Phone Conversation	2/2/13
Vermont Public Interest Research Group	E-mail	2/2/13
Toxics Action Center	E-mail	2/2/13
The Alliance for a Clean and Healthy Vermont	E-mail	2/3/13
Campaign for Safe Cosmetics	E-mail	2/3/13
Environmental Working Group	E-mail	2/3/13

Finding Witnesses

Once H.308 was assigned to Human Services committee, the next step was to plan for testimony to be taken. To make it apparent that the bill was receiving widespread support and that it would benefit Vermont, I sought witnesses from the business community, the science community and the public. A typical bill receives testimony from five to ten different people. It was necessary to demonstrate that small Vermont businesses would not be harmed by the legislation. Because this bill is designed to protect people's health, I asked the state toxicologist and commissioner from the Vermont Department of Health to testify. See chart in results for complete list.

Resources, facilities, equipment, transportation and budget

I spent every Tuesday in the spring of 2013 in the State House in Montpelier, which is a 45-minute drive from Burlington. Representative Krowinski (D- Burlington) and I traveled together in order to plan strategy for gaining widespread support for the bill. Through conversations about new legislation it was easier to stay updated on the current political climate. The time in the car was extremely valuable because once at the State House, Representative Krowinski had other work to do and less time to spend explaining the finer points of specific legislation. I road home with an intern for Planned Parenthood and shared gas expenses.

The only budget necessary was for meals at the State House and gas. No equipment was needed other than a computer and printer. Resources that were required included paper printouts of the bill, the one page fact sheet on H.308, the "How to Lobby Your Senator" paper, and copies of the letter to the editor. Under the authority of Representative Krowinski copier expenses were included.

Limitations

The biggest limitation for this legislative project thesis was the five month long legislative session. In Vermont, the session runs from mid January until mid May. In order for most bills to pass through Vermont's legislature, two years are required to gain the support needed to pass both the House and Senate and then for the Governor to sign them into law. Having only one legislative term, this thesis was begun with the full realization that the bill would not likely pass by May 2013.

RESULTS

In the results section I will discuss the time period that I spent working on the bill. I will explain the bill itself and the legal terminology in order to better develop an understanding of how the bill will function in the state of Vermont. I will then create a list of improvements for the bill that I foresee making the bill stronger in the future. I will explain the process of how I attempted to gain support for H. 308, including finding witnesses to testify. Lastly I will analyze other bills that I have followed during the 2013 Vermont legislative term that relate to the Safe Cosmetics Act.

Timeline of H. 308: January 2013- May 2013

Date/Time	Task	Explanation
12/6/12 1 Hour	Met with Representative Kesha Ram (D- Burlington) and Jill Krowinski (D-Burlington)	Made connection with representatives. Asked if it was possible to pass a Safe Cosmetics Bill in Vermont based on California's existing legislation. Planned strategy for 2013 legislative session.
1/6/13	Rep. Krowinski asks VT lawyers to draft a bill worded similarly to California's Safe Cosmetics Bill.	No other state has a Safe Cosmetics Act except California. Based on their success at passing the legislation, Representative Krowinski asked lawyer Carbee to draft a bill.
1/13/13 2 Hours	Met with Representative Krowinski	First version of bill was available. Needed sections clarified and asked for the bill to be rewritten to remove animal testing stipulation.
1/20/13 2 Hours	Contact NGOs	For a list of NGO's please refer to chart 1
1/24/13 1 Hour	Create 1 page fact sheet about bill, refer to appendix 2	Representative Krowinski felt it was necessary to have a quick fact sheet to distribute to other representatives who had no prior knowledge about toxins in cosmetics
2/5/13 9 Hours	First day at State House	Observed Human Services Committee meetings, House of Representatives Floor meeting, and Democratic caucus. Meeting with Chair of House Human Services Committee Ann Pugh. Meeting with Lauren Hierl (VPIRG).
2/7/13 2 Hours	E-mailed representatives	See chart 2 for list of representatives. Necessary to arrange meetings to discuss sponsorship of Safe Cosmetics Bill.
2/12/13 8 Hours	State House	Observed debate over S. 77 an act relating to end of life care. Meetings with Representatives Peter Fagan (R-Rutland) and Lawrence Cupoli (R-Rutland) to ask for signatures to support the Safe Cosmetics Bill

2/12/13- 2/19/13 1 Hour	E-mailed representatives	E-mailed representatives explaining bill and asking for support.
2/12/13- 2/19/13	Representative Krowinski hands in bill	Nine co-sponsors listed on bill
2/19/13 8 Hours	State House	Attended Democratic and Republican caucuses to compare the difference. Observed Human Services Committee meeting.
2/20/13	Bill read for first time on House floor	Assigned a number: H. 308. Assigned to Human Services Committee (Representative Krowinski's committee).
2/20/13- 2/25/13 3 Hours	Contacted local organizations for support	E-mailed Agency of Natural Resources. Contacted Sarah Vose the Vermont State Toxicologist for the Vermont Department of Health. Prepared "How to Lobby Your Senator" worksheet for when other lobby for H. 308.
2/26/13 9 Hours	State House	Explained bill to 10 representatives who were previously unfamiliar with the bill. Also spoke with two senators (see chart 2). Attended Agriculture Committee meeting about H. 112 GMO labeling bill. Attended Human Services Committee meeting, Democratic caucus and House floor meeting.
2/26/13- 3/12/13 2 Hours	Found witnesses to testify for bill	E-mail correspondence with small businesses (see chart 3)
3/19/13 8 Hours	State House	Observed Democratic caucus, House floor session with role call, and attended Human Services committee meeting. Observed Equal Pay bill introduced in caucus.
3/25/13 1 Hour	Letter to the Editor	Representative Krowinski asked for a letter to the editor to be drafted, which she edited. Sent to multiple papers around the state. Rutland Herald published the article. (See Appendix 5)
3/26/13 9 Hours	State House	Observed discussion in Democratic caucus, Human Services committee meeting. Observed House in session debating various bills. Attended Vermont Woman in Journalism presentation at Vermont History Museum with Representative Krowinski.
4/2/13 9 Hours	State House	Observed Human Services committee. Over 10 bills were introduced by representatives including H. 308. Meeting with Lauren Hirel (VPIRG Public Health Advocate).
4/9/13 8 Hours	State House	Met with Vermont State Department of Health to assess costs to Vermont incurred from H. 308. Observed Democratic caucus, House floor session, and House Decorum Training.
4/22/13	Radio Segment on H.308	I was interviewed on WRUV about H.308 and how it would benefit Vermont for the show Eco-Philiac on Mondays at 2-4pm
4/23/13	State House	Observed vote on Death with Dignity in Human Services Committee, attended Democratic caucus, observed house floor, attended meeting with stakeholders for Tris bill
4/30/13	Last Day at State House	Thank all representatives who supported me, especially Representative Krowinski, last day exploring the state house as a regular citizen.
5/11/13	Vermont Legislature Adjourns	The 2013 session ended.

Expanded Timeline of H.308 in 2013 Legislative Session

January: First Representative Krowinski submitted a request to the lawyers at the State House to draft the bill. In this case lawyer Jennifer Carbee modeled the bill after existing legislation in California and rewrote parts to match the Vermont Constitution. The first draft of the bill was returned to Representative Krowinski so that she could ensure it included all the parts she wanted and so that she could ask for other parts to be taken out.

February: In order to ensure a successful bill, it was necessary for me to gain as many co-signers as possible. The goal was ten signatures. I contacted representatives from the Rutland district who would be more likely to support the bill if I asked since I am their constituent. I arranged meetings, sent e-mails and spent time on the phone gaining support and explaining the bill. After speaking with individuals, I asked my Representatives Lawrence Cupoli (R-Rutland) and Peter Fagan (R-Rutland) for meetings so I could ask for support. Once they agreed to support the bill Representative Krowinski found them to initial the co-signer paper, because as a regular citizen I was not allowed to handle the paper with their signatures. Once nine representatives had signed, the bill was turned in to the Clerk of the House to be assigned a number.

March: Once the bill had received a number it was read on the floor of the House and was assigned a committee. In this case Bill H. 308 was assigned to the Human Services committee who traditionally deal with issues concerning human health. Representative Krowinski, was responsible for finding people who could testify in support of the bill. In some cases the bill can be assigned to a subcommittee, who does the research and then reports the results back to full committee. Once the committee has

heard all of the testimony necessary to fully understand the bill, then they will hold a mark-up session during which they will make additions and revisions to the bill. If they decide to amend the bill substantially then the committee will order the introduction of a clean bill, which will have all of the amendments. If this were to happen to the Safe Cosmetics Bill then it would need to be assigned a new number, and the old bill would be discarded. Once the bill has been reported on, the committee staff prepares a written report explaining why they want the bill to go through, and why they want specific amendments adopted.

April: Once the committee has discussed the bill and agreed to support it then the bill would be assigned to the Rules Committee so they can adopt the procedures under which the House will consider the bill. Then the bill will be placed on the House Calendar. The Speaker of the House Shap Smith (D-Lamoille-Washington) and the Majority Leader Willem Jewett (D-Addison-2) determine which bills will reach the floor and when they will be read. The bill is then debated and voted on. If the bill passes the House before Cross Over (when bills change chambers, which happens mid March) then it is assigned to the Senate. If the bill does not pass the House by mid March then they can still spend the rest of the legislative session receiving testimony and deciding if they want to pass the bill or not. They may choose to pass it through just the House, and they can then attempt to pass it though the Senate next term. The bill may also not receive the support it needs and will be discarded for the year completely. If the bill were to go through both the House and the Senate then it would be given to the Governor to sign into law. If he decides to veto the bill then he will give the bill with a note listing his reasons for not supporting it back to the legislature and the House will be given a chance

to override the veto by a two-thirds majority vote. If the bill is overridden in both chambers then it becomes law.

Bill H. 308 did not make it past Cross Over because it was not voted on by the House of Representatives by mid-March 2013. This means that it will not be dealt with in the Senate in 2013. Further results will be discussed later.

A. Provisions of H.308

This section will explain the legal terms in the bill, page-by-page and line-by-line.

H.308

Introduced by Representatives Krowinski of Burlington, Burke of Brattleboro, Clarkson of Woodstock, Cupoli of Rutland City, Fagan of Rutland City, Gallivan of Chittenden, Lanpher of Vergennes, Ram of Burlington, and Yantachka of Charlotte

Referred to Committee on

Date:

Subject: Health; public health; consumer safety; cosmetics

Statement of purpose of bill as introduced: This bill proposes to authorize the State Board of Health to investigate cosmetic products containing chemical ingredients identified as causing cancer or reproductive toxicity.

An act relating to investigating cosmetics

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 18 V.S.A. chapter 82, subchapter 3 is added to read:

Subchapter 3. Safe Cosmetics Act

§ 4091. REPORTING

(a) The manufacturer of any cosmetic product sold in this State that is subject to regulation by the federal Food and Drug Administration shall provide the Board with a complete and accurate list of its cosmetic products that, as of the date of submission, are sold in the State and that contain any

On page one of H. 308 the list of sponsors is presented, along with the subject of the bill and the statement of purpose. The sponsors are listed by city and last name in order to maintain formality. All changes to existing law in Vermont are underlined throughout the contents of the bill. Section (a) of the bill, beginning on line 17 explains how the new program would function. Any company selling their products in the state would bear the burden of proof to alert the Vermont Board of Health, referred to as the Board throughout the bill, if any of the cosmetic products they sell contain chemicals that cause cancer or are known reproductive toxicants. H. 308 is not a ban of particular chemicals being sold, and it is not a labeling law. It is just an authorization to the State Board of Health to investigate carcinogens being used in personal care products. The bill

refers to “cosmetics” on line 12 but this includes all personal care products not just cosmetics. On line 14 when the bill states, “is added to read” this means that new law is added to Vermont’s existing law. On line 16 the reporting section begins that lays out how the program will function in Vermont.

ingredient that is a chemical identified as causing cancer or reproductive toxicity, including any chemical that is:

(1) a chemical contained in the product for purposes of fragrance or flavoring;

(2) a chemical identified by the phrase “and other ingredients” and determined to be a trade secret under the procedure established in 21 C.F.R. part 20 (public information) and 21 C.F.R. § 720.8 (confidentiality of statements). Any ingredient identified pursuant to this subdivision shall be considered to be a trade secret and shall be treated by the Board in a manner consistent with the requirements of 21 C.F.R. parts 20 and 720. Any ingredient considered to be a trade secret is confidential and is exempt from public inspection and copying under the Public Records Act.

(b) Any information submitted under subsection (a) of this section shall identify each chemical both by its name and by its Chemical Abstracts Service registry number and shall specify each product in which the chemical is contained.

(c)(1) If an ingredient identified under this section subsequently is removed from the product in which it was contained or no longer meets the definition of a chemical identified as causing cancer or reproductive toxicity, the manufacturer of the product containing the ingredient shall submit the new information to the Board.

On page two of the bill the definition of a chemical is provided. The Food and Drug Administration created the Code of Federal Regulations Title 21 (21 C.F.R.) which are the rules governing how substances are regulated. Line 3 refers to “fragrance or flavoring” which is exempt from rules governing other chemical ingredients because these are regarded as industry secrets. Based on the C.F.R. a chemical identified as “and

other ingredients" is considered a trade secret and is exempt from inspection. On line 13 section (b) a clarification of the information to be provided is explained. The Chemical Abstracts Service is a division of the American Chemical Society, which has extensive lists of chemicals in a registry. When submitting information on chemicals to the Board of Health, the number of the chemical found in the CAS needs to be listed. Section (c) beginning on line 17 further clarifies that when ingredients are removed from products, then the manufacturer would need to resubmit the information on the product they are selling to the Board of Health.

(2) If an ingredient that meets the definition of a chemical identified as causing cancer or reproductive toxicity subsequently is added to a product or an ingredient in the product that previously did not meet that definition of a chemical identified as causing cancer or reproductive toxicity subsequently does meet that definition, the manufacturer shall submit the new information to the Board.

(3) Upon receipt of new information pursuant to this subsection, the Board, after verifying the accuracy of that information, shall revise the manufacturer's information on record with the Board to reflect the new information.

(d) This section shall not apply to any manufacturer of cosmetic products with annual aggregate sales of cosmetic products, both within and outside Vermont, of less than $1,000,000.00, based on the manufacturer's most recent federal tax year filing.

§ 4092. INVESTIGATION

(a) In order to determine potential health effects of exposure to ingredients in cosmetics sold in the State, the Board may conduct an investigation of one or more cosmetic products that contain chemicals identified as causing cancer or reproductive toxicity or other ingredients of concern to the Board.

(b) An investigation conducted under subsection (a) of this section may include a review of available health effects data and studies, worksite health

On page 3 sections (2) and (3) clarify how the information about chemicals will be updated by the manufacturer and by Vermont's Department of Health. On line 11, section (d) an exemption is created for companies who make under $1,000,000. This is to prevent small companies from dealing with expensive lawyers fees if carcinogens are found in their products. This exemption is based on the fact that this exemption met with success in California. There are also many small local organic personal care product manufactures in Vermont, and this stipulation would ensure their support. On line 15, the program that would actually complete the investigation is explained. Section (a), line 16 clarifies how the Board would specifically look at chemicals known to cause cancer or containing reproductive toxicants. Section (b) clarifies that this would include a comprehensive review of the existing studies and health effects data. Beginning on line 15, the process for investigating the health effects is further clarified.

hazard evaluations, epidemiological studies to determine the health effects of exposure to chemicals in various subpopulations, and exposure assessments to determine total exposures to individuals in various settings.

(c) If an investigation is conducted under subsection (a) of this section, the manufacturer of any product subject to the investigation may submit relevant health effects data and studies to the Board.

(d) In order to further the purposes of an investigation, the Board may require manufacturers of products subject to the investigation to submit to the Board relevant health effects data and studies available to the manufacturer and other available information as requested by the Board, including the concentration of the chemical in the product, the amount by volume or weight of the product that comprises the average daily application or use, and sales and use data necessary to determine where the product is used in an occupational setting.

(e) The Board shall establish reasonable deadlines for the submission of information required under subsection (d) of this section. Failure by a manufacturer to submit the information in compliance with the requirements of the Board shall constitute a violation under section 4054 of this title.

§ 4093. ENFORCEMENT

If the Board determines, after an investigation conducted under section 4092 of this title, that an ingredient in a cosmetic product is toxic at the

On page 4, section (b) is further explained. On line 1 the studies completed by the Vermont Board of Health would include studies on exposures to chemicals in various subpopulations and exposure assessments to determine the total exposure levels. Section (d) line 7 stipulates that the manufacturers must work with the Board to provide chemical lists and concrete information about studies they already have completed. Section (e) line 15 states that the requested information must be delivered in a timely fashion, or the board will consider the company in violation of H. 308. On line 21 the term “toxic” is used. Toxic refers to the degree at which the ingredient will harm an organism.

concentrations present in the product or under the conditions used, the Board shall, in a written finding within 90 days of its initial determination, determine if the product presents a health risk to an employee who has regular exposure to the hazard for the period of his or her working life. The written finding shall identify the reasons and factual bases for the Board's determination, and based on those reasons and factual bases, the Board may deem the product to be an adulterated cosmetic.

Sec. 2. 18 V.S.A. § 4051 is amended to read:

§ 4051. DEFINITIONS

~~For the purposes of~~ As used in this chapter:

* * *

(9) The term "toxic" shall apply to any substance which has the inherent capacity to produce bodily injury to ~~man~~ a person through ingestion, inhalation, or absorption through the skin.

* * *

(25) The term "chemical identified as causing cancer or reproductive toxicity" means a chemical identified by the Board as any of the following:

(A) a substance listed as known or reasonably anticipated to be a human carcinogen in a National Toxicology Program report on carcinogens;

The enforcement section of H. 308 begins on page 4, line 20 and continues onto page 5. If the Board finds that an ingredient is toxic and is in a cosmetic product, then the Board may determine within a period of 90 days if the product containing the ingredient will pose a health risk to a person who has regular exposure to that ingredient in the workplace. This stipulation is beneficial to individuals working in the beauty profession, such as nail salon workers or hairdressers. If the Board determines the product to be unsafe they will write up the report into a "written finding" of their results. Then the Board "may" decide to consider it an "adulterated cosmetic," which means that they have the choice to deem it unsafe because it has become poor in quality because of the toxic

substance that has been added. Beginning on line 8 a list of clarifying definitions is provided. On page 5, line 11 there are symbols present. The marks *** mean that part of the bill is not written out in the paper bill, because it is old Vermont law. In this case it is referring to the fact that the way to test for carcinogens is by animal testing. According to current Vermont law, by testing on rats, that is the only way to determine if something is toxic. In order to change that or remove it from this bill, the current law in Vermont would need to be changed, and that would require a separate bill. Section (9) line 12 clarifies that the word “toxic” means any substance with the ability to cause harm to a person though the mouth, by breathing it in or by being absorbed via the skin. This is already part of existing law in Vermont, which is why it is not underlined. Section (25) line 16 explains how the Board determines if a chemical is considered carcinogenic or reproductively toxic. The National Toxicology Program is part of the federal Department of Health and Human Services. They produce a list of substances known or assumed to be carcinogenic to humans.

(B) a substance given an overall carcinogenicity evaluation of Group 1, Group 2A, or Group 2B by the International Agency for Research on Cancer;

(C) a substance identified as a Group A, Group B1, or Group B2 carcinogen, or as a known or likely carcinogen by the U.S. Environmental Protection Agency; or

(D) a substance identified as having some or clear evidence of adverse developmental, male reproductive, or female reproductive toxicity effects in a report by an expert panel of the National Toxicology Program's Office of Health Assessment and Translation or its predecessor, the Center for the Evaluation of Risks to Human Reproduction.

(26) The term "manufacturer" means any person whose name appears on the label of a cosmetic product pursuant to the requirements of 21 C.F.R. § 701.12.

Sec. 3. 18 V.S.A. § 4054(a) is amended to read:

(a) A person who violates any of the provisions of section 4052 or 4092 of this title shall be imprisoned for not more than one year or fined not more than $1,000.00, or both; but if the violation is committed after a conviction of the person under this section has become final, the person shall be imprisoned for not more than one year, or fined not more than $2,500.00, or both.

On page 6, in section (B) and section (C) the definition of carcinogenic chemicals is further clarified explaining how chemicals are identified as toxic. The International Agency for Research on Cancer is an offshoot of the World Health Organization and they are responsible for evaluating substances and placing them in groups based on their toxicity. Section (D) line 7 explains that the Center for the Evaluation of Risks to Human Reproduction, which is a department of the National Toxicology Program determines which substances are identified as having evidence of adverse developmental toxicity in males or females. Section (26) clarifies that the term "manufacturer" is the person or company whose name is on the product being sold. Section 3 explicitly states the

consequences for violating the bill. If a person violates H. 308 then they can be imprisoned for up to one year or fined up to $1,000.00. If they commit a second violation then they shall be imprisoned for up to a year or fined up to $2,500.00.

BILL AS INTRODUCED H.308
2013 Page 7 of 7

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2013.

VT LEG #284251 v.1C

On the final page, page 7 the date is listed when the act will become law. Because the bill will not pass in the 2013 legislative session, when it is resubmitted in the future the date will need to be changed.

List of Improvements for the H. 308 in the Future

There are many sections that weaken H. 308 as currently written. The following list is a result of discussions with Vermont representatives and senators, and a comparison with other bills. For example, the bill states that "The manufacturer of any cosmetic product sold in this State that is subject to regulation by the federal Food and Drug Administration shall provide the Board with a complete and accurate list of its cosmetic products that, as of the date of submission, are sold in the State and that contain any ingredient that is a chemical *identified* as causing cancer or reproductive toxicity." The problem is that most ingredients have not been tested for their effects to see if they do cause cancer, so it would be difficult to report them if the information is not known. They have also not been tested for their cumulative effects. When many chemicals combine together they can interact and cause a variety of health problems. Many people are exposed to hazards in the workplace, chemicals around the home and in the garden, chemicals on the food they eat and also chemicals in the personal care products they are using. These can all interact together and cause a person to have a very high toxic body burden, which weakens their immune system.

Another part that weakens the bill is the statement "Any ingredient considered to be a *trade secret* is confidential and is exempt from public inspection and copying under the Public Records Act." The newly introduced federal Safe Cosmetics and Personal Care Products Act does a better job protecting consumers because it actually states that loopholes protecting trade secrets need to be removed. Allowing companies to have trade secrets prioritizes their profits over American citizens health so this section also weakens the Vermont bill.

Vermont prioritizes the growth of small businesses. When California passed their Safe Cosmetics bill, they were worried about losing the support of small businesses. In order to make it clear that they didn't want to alienate the support of small companies, they created an exemption for their bill, which Vermont chose to copy. In H. 308 it states that "This section shall not apply to any manufacturer of cosmetic products with annual aggregate sales of cosmetic products, both within and outside of Vermont, of less than $1,000,000.00, based on the manufacturer's most recent federal tax year filing." By allowing small businesses to be exempt it weakens the bill by not holding every company to the same standards. There are many small Vermont businesses that will fall under this exemption such as Flourish, Filthy Farm Girl and Elmore Mountain Farm Soapworks. These small businesses were more likely to support the bill with this exemption because they do not have the budget to hire lawyers if there were bad ingredients in their personal care products, which there most likely were not.

The bill lays out very clear procedures for how the companies are expected to deliver their information to the Vermont Department of Health. "If the Board determines, after an investigation conducted under 4092 of this title, that an ingredient in a cosmetic product is toxic at the concentrations present in the product or under the conditions used, the Board shall, in a written finding within 90 days of its initial determination, determine if the product presents a health risk to an employee who has regular exposure to the hazard for the period of his or her working life." It would be a stronger bill if the time period were shorter, because it would make it clear that the health of the working class is prioritized. If an employee is regularly exposed to a chemical that may cause cancer or reproductive problems then they should have the right to have the results in less than 3

months, however this may not be a realistic goal given limited staffing. By taking consumer health seriously, Vermont can make it clear to big businesses that individual's health is a bigger priority than corporate profits.

In Section 2 there was a definition of the term toxic. "The term "toxic" shall apply to any substance which has the inherent capacity to produce bodily injury to *man* though ingestion, inhalation, or absorption though the skin." Representative Krowinski requested that the term "man" be replaced with "a person" in order to be more gender inclusive.

When Sarah Vose, the Vermont State Toxicologist, was asked to testify in committee for the bill, she had many questions about the legal terms in the bill. She pointed out a phrase that she felt weakens the bill. Under Section 2 (D) the bill states, "a substance identified as having *some* or clear evidence of adverse developmental, male reproductive, or female reproductive toxicity effects in a report by an expert panel of the National Toxicology Program's Office of Health Assessment and Translation or its predecessor, the Center for the Evaluation of Risks to Human Reproduction." Sarah Vose, stated that the word "some" makes it less obvious where the chemicals fall on a toxic spectrum if they are not classified in a concrete way. The bill would also be strengthened if it listed specific chemicals of concern that should be monitored more closely.

The bill does not request a specific budget to implement the program, although it will certainly require funds. On April 9, 2013 I had a meeting with David Englander the Senior Policy Advisor and Legal Advisor from the State Department of Health. He stated that he had been in touch with the California State Department of Health to find out more about how the Safe Cosmetics Act was functioning today. California required a budget of

at least $500,000 initially just to start their program and stated that the $200,000 that the bill is allocated per year is not enough to run California's program effectively and that they need to request a bigger budget to account for their information technology team. California would like to create a cleaner data spread sheet, and they need to hire someone specific to run a program to receive the information from the companies. Representative Krowinski decided that the budget would need to be discussed during the summer study session.

B. Passing H. 308

Phase 1: Requesting the Bill be Drafted

Kesha Ram (D-Burlington) and Jill Krowinski (D-Burlington) gave the Head of the Legislative Council a copy of the 2005 California Safe Cosmetics Act and told him to create a similar piece of legislation for Vermont. Representative Krowinski explained we could ask for more stringent legislation even though we knew it might not pass. I expressed being in favor of actually requiring labeling of chemicals for products sold in Vermont and she stated that we could ask for this initially and as the bill moved though committees than we could edit it and shape it into a bill that would actually pass.

In January 2013 the bill was presented to Representative Krowinski in its first draft. It included a portion on animal testing which stated that testing on rats was the only way to determine if a chemical could possibly cause harm. It also included an exemption for businesses that make fewer than one million dollars a year. Representative Krowinski sent the bill back to be rewritten because due to my personal values it seemed unnecessary that animal testing would be a requirement. There have been many studies

that have proved that testing on animals is an inaccurate way to determine health affects on people. When the bill was given back we were told that animal testing needed to be included because it was based on existing law in Vermont, and that to change that we would need to introduce an entirely separate bill. The lawyers did agree to not include that portion in print and just use *** to mark where the bill is following existing Vermont law. Representative Krowinski agreed that to gain the most support, it would be better for people not to see a section on animal testing, if we had no power to change it for this particular bill. She felt it was necessary to leave the exemption for small businesses to gain the most amount of support.

Phase 2: Gaining Support and Signatures

I created a fact sheet (see Appendix 2) about the bill and why it would be important for the state of Vermont, so that it could be distributed to representatives as a reference. I printed over 50 copies of the sheet and handed them out during the lunch hour in the State House. I created a list of people to contact and non-profits that might support the bill (see chart 2).

Representative Krowinski is a member of the Human Services Committee and explained that if the bill were to receive a number that she was hoping the bill would be assigned to her committee because she would have a greater ability to internally lobby for it to receive testimony. The head of her committee was Ann Pugh (D- South Burlington) who is a professor at the University of Vermont. I e-mailed her to set up a time to meet so that I could discuss my work.

Representative Krowinski and I discussed my schedule and figured out that it would make sense for me to spend every Tuesday at the State House because that is when the Democrats and Republicans caucus. On February 5, 2013 I sat in on Human Services committee meeting in the morning, where they were discussing one of Representative Krowinski's bills for Equal Pay for men and women in the state of Vermont. I met other members of the committee that I hoped my bill would be assigned to and made sure to make a note of who each of them was so that I could talk with them later in the legislative session. At lunch I met with Chair Ann Pugh. She was brutally honest about the plausibility of my bill actually passing during the 2013 legislative session. She told me that it usually takes as least two years for a bill to go though and since this bill had not been introduced previously, it most likely would not pass in 2013. She also told me that she rarely puts her name on a bill based on her own principles so she would not be a signatory for my Safe Cosmetics Bill. February 5, 2013 I met with a woman named Lauren Heirl from Vermont Public Interest Research Group who was currently working with Representative Krowinski on her bill to ban the chemical flame retardant Tris. We exchanged contact information and she told me that she would do what she could to support my bill.

I continued my search for support by e-mailing representatives from my hometown of Rutland, Vermont. I requested a meeting in person with each of them so that I could explain the need for the bill and make my request more personal. I was able to arrange a meeting on February 12, 2013 with Lawrence Cupoli (R- Rutland City) whom I met with for 45 minutes. We discussed other issues that he supports and had a meaningful discussion on the Death with Dignity Bill, about which he had spoken

extensively with my father. He expressed his concern over allowing small businesses to be exempt from the Safe Cosmetics Bill, but I explained how many of the businesses in Vermont who make under $1 million are already using safe ingredients thus they are not as big of a problem as corporations who sell their products at large chain stores. He agreed to put his name on it and see Representative Krowinski later that week.

On February 12, 2013 I met with Peter Fagan (R-Rutland City). When speaking with him I made sure to talk about going to school with his son and brought personal details into the conversation so that he would be more willing to support my bill. Representative Fagan expressed concern over the animal testing portion of the bill, but when I explained how that is the law according to Vermont's constitution he agreed that the bill, although not perfect, was better than no bill at all. He said that he would be a signatory.

Representative Krowinski gave me a list of three bills whose focus in human health and environmental protection was similar to the Safe Cosmetics Act, and told me to see who were the signatories. She believed these reps would also be interested in supporting the bill. The bills were H.0098 (labeling of roll-off dumpsters), H.0083 (green burials) and H.0112 (labeling of GMO food).

H.0098 (labeling of roll-off dumpsters) was similar to the Safe Cosmetics Bill because it gives people a way to know what chemicals are around them that could harm them. The purpose of the bill is to provide transparency about the use of dumpsters that are located near people's homes. The subject is listed as "commerce and trade; consumer fraud; solid waste containers and labeling" which relate to the idea of consumer protection. I contacted Representatives Alice Emmons (D- Springfield), Leigh Dakin (D-

Chester) and Cynthia Martin (D- Springfield) the three sponsors of H.0098 through e-mail. Representative Martin responded that she was interested in supporting the bill. The other two representatives failed to respond.

The purpose of H.0083 (green burials) was to allow a landowner to designate their property for use as a natural burial ground. Previously people could not bury the dead on their own property and this would give them the right to designate their own property as a burial site. This bill is about choice, and giving people the right to do what they want with their land. It is also about health because the dead bodies need to be disposed of properly so they won't leach into the groundwater. This relates to the Safe Cosmetics Act because it is about personal choice and the health of people and the environment. There were two sponsors of this bill Michael Yantachka (D-Charlotte) and James McCullough (D-Williston). I e-mailed both of them and Representative Yantachka responded that he was very interested. He is now a co-signer on H. 308. McCullough failed to respond. H. 112, an act relating to GMO labeling, will be discussed later.

I e-mailed over 15 representatives to ask them for support on the bill. I chose representatives from a variety of counties and committees to try and attract the most diversity to strengthen support for the bill (see chart 2).

During the week Representative Krowinski was able to connect with representatives who had responded to my e-mails and met with them to get their signatures. She turned the bill in with nine sponsors including Burke of Brattleboro, Clarkson of Woodstock, Cupoli of Rutland City, Fagan of Rutland City, Gallivan of Chittenden, Lanpher of Vergennes, Ram of Burlington and Yantachka of Charlotte. The

bill was assigned number H. 308 and designated to the Human Services Committee. It was read for the first time on February 20th, 2013 on the House floor.

Chart 2: List of Representatives and Senators Contacted to Support H. 308

Name	County	Committee	Method of Contact
Kesha Ram	Chittenden 6-4	Ways and Means	Meeting 12/4/12
Ann Pugh	Chittenden 7-2	Human Services	Meeting 2/5/13
Peter Fagan	Rutland 5-1	Appropriations	Meeting 2/12/13
Larry Cupoli	Rutland 5-2	Education	Meeting 2/12/13
Herbert Russell	Rutland 5-3	Transportation	E-mail 2/13/13
Douglass Gage	Rutland 5-4	Health Care	E-mail 2/13/13
Alice Emmons	Windsor 3-2	Corrections and Institutions	E-mail 2/13/13
Leigh Dakin	Windsor 3-1	Health Care	E-mail 2/14/13
Cynthia Martin	Windsor 3-2	Government Operations	E-mail 2/14/13
Mike Yantachka	Chittenden 4-1	Natural Resources	E-mail 2/14/13
Jim McCullough	Chittenden 2	Fish, Wildlife, and Water Resources	E-mail 2/14/13
Sarah Bruxton	Windsor- Orange 1	Education	E-mail 2/14/13
Martha Heath	Chittenden 8-3	Appropriations	E-mail 2/14/13
Curt McCormack	Chittenden 6-3	Natural Resources	E-mail 2/15/13
Barbara Rachelson	Chittenden 6-6	Education	E-mail 2/15/13
Kate Webb	Chittenden 5-1	Fish, Wildlife, and Water Resources	E-mail 2/15/13
Tom Burditt	Rutland 2	Human Services	E-mail 2/15/13
Maxine Grad	Washington-7	Judiciary	E-mail 2/15/13
Lynn Batchelor	Orleans-1	Human Services	Meeting 2/19/13
Tom Koch	Washington 2	Judiciary	Meeting 2/19/13
Marty Feltus	Caledonia 4		Meeting 2/19/13
Donna Sweeny	Windsor	Government Operations	Meeting 2/19/13
Paul Poirier	Washington 3	Health Care	Meeting 2/19/13
Christopher Pearson	Chittenden 6-4	Health Care Joint Committee	Meeting 2/26/13
Linda Martin	Lamoille 2		Meeting 2/26/13
Bob Bouchard	Colchester	Commerce and Econ. Development	Meeting 2/26/13
Bernie Juskiewicz	Lamoille 3	Education	Meeting 2/26/13
Diane Lanpher	Vergennes	Transportation	Meeting 2/26/13
Mollie Burke	Windham 2-2	Transportation	Meeting 2/26/13
Alison Clarkson	Windsor 5	Ways and Means	Meeting 2/26/13
Anne Gallivan	Rutland Windsor 1	Transportation	Meeting 2/26/13
Sandy Haas	Windsor-Rutland	Human Services	Meeting 3/19/13
Anne Donahue	Washington-1	Human Services	Meeting 3/19/13
Thomas Burditt	Rutland-2	Human Services	Meeting 3/19/13
Bill Frank	Chittenden-3	Human Services	Meeting 3/19/13
Patty French	Orange	Human Services	Meeting 3/19/13
Francis McFaun	Washington 2	Human Services	Meeting 3/26/13
Michael Mrowicki	Windham 4	Human Services	Meeting 3/26/13
Matthew Trieber	Windham 3	Human Services	Meeting 3/26/13
Senator Anthony Pollina	Washington	Government Op./ Health and Welfare	Meeting 4/2/13
Senator David Zuckerman	Chittenden	Agriculture/ Education	Meeting 4/2/13

Phase 3: Finding Witnesses to Testify Before Human Services Committee

When a bill is debated in a committee, senators and representatives require external input and data in order to understand how the bill will affect the state and the people living there. The Safe Cosmetics Act would affect everyone because all people use some form of personal care products, so it was necessary to gain a multitude of witnesses from the scientific community, business community, and from Vermont citizens.

The Scientific Community

The state toxicologist who works for the State Department of Health is Dr. Sarah Vose. In order to explain the need for the bill and how many national campaigns are working on similar legislation we spoke extensively. Thirty minutes were spent fully explaining the legal terminology and how the bill would affect finances in Vermont and how it has the potential to benefit small businesses while making it more difficult for large out of state corporations to make a profit. When we concluded she said that she would be more than happy to testify and I could put her in touch with Representative Krowinski in order to schedule a time for her to go to Montpelier. Harry Chen who is the Commissioner at the State Department of Health for Vermont was also asked to testify because he testified in support of the ban on tris the chemical flame retardant that is used in furniture. He agreed to testify. Representative Krowinski stated that she hoped to find someone from the academic community at the University of Vermont to testify. I asked Patricia Prelock the Dean of the College of Nursing and Health Sciences to testify and she agreed. I have also decided that when the bill is slated to receive testimony next year that it would be a good idea to contact people who Representative Krowinski works with

at Planned Parenthood because they will have the scientific knowledge to make a good case for the bill and how it affects women, especially those of reproductive age.

The Small Business Community

When members of the Human Services committee take testimony, they debate for an extended period of time about the finances and how whatever bill they are looking at will cost Vermont tax payers more money. In order for H. 308 to be a success, it was necessary to show the Human Services committee that it would not add an undue economic burden to Vermont and would also benefit businesses. From trips to the farmers market and a web search I complied a list of small Vermont businesses that sell personal care products. I choose four of them from around the state in an effort to diversify who was asked to speak, and I tried to chose ones whose products I had used, so that I could mention that in my e-mail, believing that they would be more willing to take the time to support me if I had benefited them financially. I chose the companies Flourish, Elmore Mountain Farm, VT Soap Organics and Filthy Farmgirl and e-mailed them.

Kristen Connor from Flourish responded to me on March 15, 2013 stating that she is very busy at this time but that she is excited about what I am working on (see appendix 4 for the e-mail). Larry Plesent from VT Soap Organics responded on March 5, 2013 stating that he supported what I am working on, although after 20 years of his life spent working on this campaign, he believes that it will be nearly impossible in this lifetime to remove all toxins from products. He then stated that he would like to meet up at some point when he returns from abroad in order to further discuss the project (see appendix 4). I received a phone call on March 20, 2013 from Elmore Mountain Soap company and the

woman stated that she believes she is unqualified to testify, but that she is very supportive of the Safe Cosmetics Act. In the future if I were to ask her to testify again, I would give her a list of topics that she could speak about in order to help her feel more comfortable giving the testimony this bill will require. With further explanation about what I need her to speak about, I believe that I could convince her to testify. She would only need to explain how her business will not be harmed and how she uses organic ingredients because she knows they are healthier for everyone.

Chat 3: Companies Asked to Testify

Company	Location	Product
Filthy Farmgirl	Rutland, VT	Soap, lotion,
Elmore Mountain Farm	Burlington, VT	Soap, lotion, body wash, deodorant, lip balm
VT Soap Organics	Middlebury, VT	Soap, lotion, hand soap, cleaning products
Flourish	Woodstock, VT	Shampoo, conditioner, lotion, lip balm

Citizens

In order to demonstrate that H. 308 was important to the residents of Vermont, we decided to find people from Vermont who supported the bill and were willing to voice this to the Human Services committee by giving testimony. The Environmental Health advocate for Vermont Public Interest Research Group, Lauren Hirel, agreed to testify for H. 308 because she testified for the tris bill, which was also about protecting people's health. Representative Krowinski asked that I testify for the bill as a resident and concerned citizen of Vermont because I now know extensive information about the bill. Because the testimony has not been scheduled as of May 1, 2013, I will give testimony in 2014 about the bill, when it is revisited. See chart below for complete list of people contacted to testify.

Chart 4: People and Businesses Asked to Testify for H. 308

Sarah Vose (VT State Toxicologist)	Called	Will Testify Next Year
Filthy Farmgirl	E-mailed	Support Project, No Time
Elmore Mountain Farm	E-mailed	Support Project, No Time
VT Soap Organics	E-mailed	Will Testify Next Year
Flourish	E-mailed	Support Project, No Time
Lauren Hierl (Env. Health Advocate, VPIRG)	Spoke in person	Will Testify Next Year
Dean Patricia Prelock (College of Nursing and Health Sciences, UVM)	Spoke in person	Will Testify Next Year
Harry Chen (Commissioner, Dept of Health)	Rep. Krowinski contacted	Will Testify Next year

Phase 4: Putting Pressure on the House

On March 20th, 2013 Representative Krowinski requested that we begin to put more pressure on the House and the Human Services committee to hear the bill. She suggested that a good way to start would be to draft a letter to the editor and submit it to as many newspapers as possible. I wrote a draft letter and had her edit it so that I could submit it (see appendix 5). The letter was published in the Rutland Herald.

On April 2, 2013 on my regular trip to the State House I was supposed to present my bill for the first time in Human Services committee. In the morning Representative Lawrence Cupoli (R-Rutland) introduced me to the entire House and explained that I am a University of Vermont student and over 300 representatives clapped for me. I noticed that the representatives who already knew me were friendlier than usual when I saw them in committee later in the day. In the afternoon I received a text message from Representative Krowinski stating that Chair Ann Pugh had said that only representatives were allowed to present their bills. This meant that I would not be introducing the bill, however Representative Krowinski said that I would be allowed to testify later in the session if the bill was receiving testimony. When I returned from lunch to the committee room, three of the representatives were there and they were talking about their personal care products. Because the bill was placed on the agenda, the issue already was getting

more attention than it had in the previous two months. When Representative Krowinski arrived she told me that Fox44 News had interviewed her about the bill because they saw it on the agenda (see Appendix 6).

H. 308 Introduced in Human Services Committee

On April 2, 2013 H. 308 was introduced in the Human Services committee. Representative Krowinski took the seat that the witnesses take. The committee secretary dispersed copies of H. 308 and I passed out copies of a packet I had put together with my one page information sheet, information from the Campaign for Safe Cosmetics on the new federal legislation and a copy of my letter to the editor that was published in the Rutland Herald. Representative Krowinski explained the issues with cosmetics and consumer safety citing examples of lead in lipstick and mercury in face cream. She also explained how the FDA has little to no regulatory control over what ingredients are used in cosmetics and personal care products. She then explained what the bill would do for the state of Vermont and how the program would function. When she finished explaining why the bill is a good idea, but not the final solution, she gave time for the committee to ask questions. Francis McFaun (R-Washington-2) asked her about the health risks and could not understand why he had not heard about this issue before. Representative Lynn Batchelor (R-Orleans-1) said that she was in super support of the bill and was glad that someone was spearheading the effort. Lastly Anne Donahue (R-Washington-1) mentioned that she had heard about lead in lipstick and would also be supportive of hearing more about how the bill would help the state of Vermont. Representative Krowinski requested that Jenifer Carbee, the attorney who had helped to write up the bill,

be present so that she could clarify any legal issues. As questions about California's bill were asked, she addressed the ones that she could and wrote down notes so that she could look up the answers to the questions she was unsure of and let everyone know at a later date.

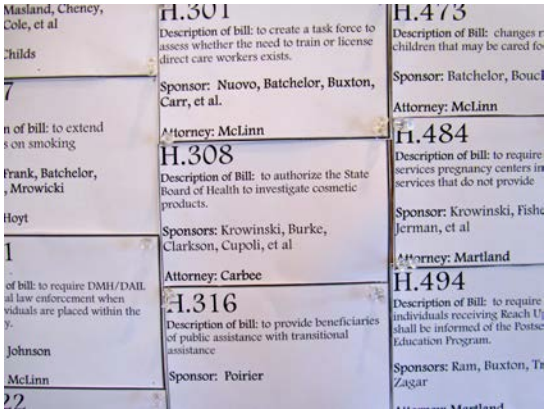
When questions were asked, Representative Krowinski looked to me for some of the answers. For example, Chair Ann Pugh asked if anyone had sued the state of California, and based on my research the answer was no. Representative Krowinski looked at me and I shook my head no. Chair Pugh saw this and made a joke that I was the "phone-a-friend-line," although she later responded to one of my e-mails and told me that I had done a great job assisting in the research on safe cosmetics. Representative Krowinski spoke for a little over ten minutes. Of all the bills presented that day, there was the most discussion and excitement after H.308 was introduced. The representatives added on five extra minutes during the time the bill was being introduced, and then later in the afternoon after all the bills were discussed, the Safe Cosmetics Bill was the topic of discussion for the last twenty minutes before the representatives went home. There was talk of combining it with Representative Krowinski's existing tris bill, because they were both consumer protection bills. Some of the representatives even discussed fast tracking the bill because they thought it was so important!

When I left the State House I e-mailed every representative from Human Services with a personalized e-mail addressing concerns they each had and giving them links to learn more. I gave them all a link to the Skin Deep website so they could check their own products when they returned home. When people know they will be affected, they will be more likely to support H. 308 as it moves though the House.

Images from Human Services

Representative Krowinski Presenting H. 308

Bulletin Board with Bills listed



H. 308 on the Board

As of April 21, 2013 H. 308 has been assigned to a special summer session in order for the representatives to take full testimony. They are still determining how the process will function, and plan to involve professionals at the Vermont Department of

Health and a team of lawyers who will be able to articulate how the chemical identification program will work and how the information will be processed and made available to the public. They plan to extensively coordinate with California's Department of Health and are going to attempt to figure out how California's studies can be used for Vermont in order to save time and money.

C. Current Legislative Climate/ Context for H.308

During my time at the State House I have had the chance to follow three bills, which pertain to H.308. Each of the following bills focuses on issues that relate to prioritizing people's rights and giving people more choice and control over their lives. The following section is a data analysis of three bills and how they support the progressive legislative climate that would allow H.308 to become law in Vermont.

H.112: An act related to food labeling of genetically modified organisms: A committee meeting

H.112 was first introduced in January 2013. The bill proposes that "food is misbranded if it is entirely or partially produced with genetic engineering and it is not labeled as genetically engineered." This bill, similarly to the Safe Cosmetics Bill, follows California's example of advocating for consumer rights by introducing a bill similar to one that they have previously drafted. California has been a leader nation wide in progressive politics and met with success in the case of their Safe Cosmetics Act. However they failed to pass a genetically modified organism (GMO) labeling bill under intense pressure from the food industry. They will continue to introduce it each year.

I had the opportunity to sit in on the Vermont House Agriculture committee meeting on February 25th 2013. The committee took testimony on this bill from Dyeanne Racette, a medical professional from Copley Hospital. She discussed the reasons why the GMO bill would be beneficial to the health of Vermonters. She used examples of leaky gut syndrome and a multitude of digestive issues that develop from the consumption of heavily processed foods that often contain GMOs. Racette explained how in a recent Canadian study Bt corn has shown up on tests in 93% of pregnant women, meaning that GMOs have infiltrated many foods that are consumed on a daily basis by people who have no control over whether they want to eat them or not. People cannot make a choice not to consume GMOs if they are not labeled. She explained how, due to the current federal agricultural subsidies for corn and other heavily genetically modified foods, unhealthy foods that contain these cheap ingredients have become the most affordable option for low-income populations.

Racette advocated using the precautionary principle because scientists still do not have enough information on the affects of consuming food that contains genetically modified organisms. She argued that if the food is not labeled, scientists couldn't create more studies to see the negative health affects. Use of the precautionary principle is a strong reason to pass H.112 as well as H.308 because the cumulative effects of eating GMO food are similar to cumulative effects from using personal care products that contain carcinogens in that both will cause a decline in health over time.

Watching this bill discussed in committee helped me to understand how testimony is taken and the process that representatives use when debating a bill. The witness presented information that she had prepared. Then the representatives were given a

chance to ask questions and explain why they believed that the witness was either wrong or had not given enough information. In this case, Racette received a lot of criticism since there are not many scientific studies backing up what she was saying. But she defended herself by stating that until GMOs are labeled, scientists will not be able to complete the necessary studies. This is also true of personal care products. When companies use the term “fragrance” they are not required to disclose to consumers what the chemicals are that are being used because they are considered a trade secret. If other companies were able to gain access to that information then they would possibly be able to replicate the scent and make a profit. Until the ingredients used in “fragrance” are labeled then there is no way to study the potential health impacts of using products with “fragrance” in them, which is the same concept of labeling GMO products so that their health impacts can be studied.

The key provisions of H. 112 are to determine that food is misbranded if it is produced with genetic engineering and if it is not labeled as genetically engineered. Because the U.S. FDA does not have the statutory authority at this time to require labeling of food produced with GMOs, this bill would require labeling at the state level. Under the First Amendment jurisprudence, “states are free to compel the disclosure of factual commercial speech as long as the means employed by the State are rationally related to the State’s legitimate interest.” Labeling gives consumers the information they need to make informed decisions about the products they are purchasing.

H.112 and H.308 share the same progressive values. They strive to prevent inadvertent consumer deception, promote consumer safety, protect the environment and promote local economic development. If people do not know what is in their food or in

their personal care products, then they have no choice to choose not to purchase something that might be harmful for them. The GMO labeling bill and the Safe Cosmetics Act are important for the state of Vermont because they take a stand against large corporations who are making a profit from selling something that may cause harm to the consumer. Although the companies state there is nothing wrong with the products they are selling, if the products are not labeled then tests cannot be completed to determine if harm will be caused. Passing laws requiring labeling of food containing GMOs and testing of chemicals sold in personal care products would demonstrate how Vermont prioritizes its citizens over the profits of corporate America.

S.77 Death with Dignity: A Senate Debate

Once a bill passes though the House then it will be assigned to the Senate for review. I was able to observe a Senate debate on the bill called by supporters "Death with Dignity." This bill is designed to give patients with terminal illnesses more control of the suffering they experience at the end of their lives by allowing them to take their own lives with lethal doses of prescription drugs. The bill was presented first by those in favor of the bill. Claire Ayer (D-Addison) spoke about the bill. She made the argument that S.77, based on a similar bill in Portland, Oregon, would give relief to those patients suffering and nearing the end of their lives. It doesn't require doctors to participate and was presented as just one option for patients who decide they do not want to live any longer. Ayer explained the other options available for people to end their lives. These include deciding to stop eating or drinking, which can take several days or weeks to die or requesting that life sustaining devices to be stopped. However this requires a medical

board to approve and can take extended periods of time. Patients can refuse to accept medical treatment but often times if people are suffering greatly, it is hard to say no to medication that will relieve their pain. Lastly patients can request terminal palliative sedation, where they are sedated to the point of unconsciousness. While these are all options for patients to choose to die, they are not considered the most humane and the Death with Dignity bill is designed to offer just one more option. The bill provides immunity to a health care professional who prescribes the lethal dose of medication. It also protects the people who are present at the time of death from "criminal or civil liability."

Proponents of the bill call the bill "Death with Dignity," while the opponents call it "Physician Assisted Suicide." Opponents of the bill argue that because patients have to administer the drugs themselves that it is not inclusive enough of people who may be in pain and do not have the strength to take the pills or have lost motor function skills. They also argue that because the death certificate will read "died of natural causes" as opposed to suicide, that family members may not fully be able to understand how the patient died. Opponents have also expressed concern over people wanting to take the medication to relieve financial burden on their families, and that they do not wish to advocate or offer suicide as a viable option to save families money.

Ayer stated that, based on the Portland, Oregon case, often what happens is the patients feel relief once they are given the prescription for the drugs because they know they have this as an option and that the quality of their lives actually improves because they feel that if the suffering becomes too great, they have an alternative to starving themselves or choosing any of the other options listed above. It also gives families time

to say goodbye to their loved ones and a chance to be prepared for when the day comes that the patient chooses to die. Those cosponsoring the bill first presented their arguments. Then other senators were given a chance to ask questions and state why they did not support it, or why they believed that amendments would make it a stronger bill, or a bill that they felt they could support. The bill was debated for three days in the Senate and was deeply divided by party lines. Multiple amendments were added to the bill before it passed 22-8 (Stein, 2013). It is expected to pass though the House because a majority of representatives supported the original version of the legislation.

I was able to speak to Representative Lawrence Cupoli (R-Rutland) about whether he believed he would support the legislation and he stated that he most likely would vote no. Unbeknownst to me, my father had spoken with him extensively about why he believed Cupoli should support the bill. This past fall, my aunt, my father's only sibling, passed away after a seven-year struggle with breast cancer. My father told Representative Cupoli how he believed that had she, a New York resident, had access to the services that Death with Dignity will provide, much of her suffering would have been relieved. She chose the option to stop eating and it caused him enormous amounts of pain to watch her struggle. Although Cupoli offered his condolences, he said he is still "on the fence" about whether he will support the bill or not. Death with Dignity will most likely pass and be signed into law by Governor Shumlin.

S.77 and H.308 are both about personal choice. Vermont has been progressive in the realm of choice and each legislative session senators and representatives work to increase people's rights. In Vermont choice in the context of women's rights and abortion has been increasingly progressive since the landmark U.S. Supreme Court decision Roe

v. Wade. Although abortion was illegal in the state of Vermont until Roe v. Wade, after 1973 there are now no parent notification or consent laws, no mandatory waiting period, no mandatory counseling, and no mandatory ultrasound prior to receiving abortive services. The bill Death with Dignity would provide patients increased control over their bodies. It will be their choice to decide that they have spent enough time in pain and that they want to die. Death with Dignity is about end of life care and the choice for people to control their own bodies. The Safe Cosmetics Bill is also about choice. It is about people having the right to know what is in their products, and to know that they will be safe from carcinogens that could cause undue health problems later in life. S.77 and H.308 both value people having control over their bodies.

H.99: Equal Pay and workplace protections: Democratic Caucus

When a bill is first introduced, before it is assigned to committee, representatives are given a chance to share the bill during their party's caucus and explain why it will be important. They are given a chance to advocate for the committee that it will be assigned to. Representative Krowinski introduced a bill with the purpose of strengthening existing laws regarding equal pay and prohibiting discrimination in employment, housing and public accommodations. On March 19th, 2013 the bill was announced during the Democratic caucus. Although pay inequality has been illegal since President Kennedy signed the Equal Pay Act in 1963 and since Vermont outlawed pay discrimination in the Fair Employment Act, today women in the United States still only earn roughly 78% of what men earn. In Vermont, women earn $.84 to the $1.00 that men earn for the same jobs.

The purpose of this bill will be to remedy unequal pay in Vermont and to make it legal to question employers on pay inequality in the work place. Although Representative Krowinski introduced the bill, other members from the committee it was assigned to spoke about the bill. They explained the need for the bill and how Vermont will make this legislation actually effective compared to the failed federal legislation.

After witnessing both the Democratic and Republican caucuses, the political climate in Vermont became clearer. The Democratic caucus room was routinely full, and there was never enough seating for everyone, while the Republican caucus room always had ample space, meaning the political climate in Vermont is currently liberal. It was interesting to notice the demographics of each respective room. In Vermont caucus happens each Tuesday, which means that I had the opportunity to attend caucus each Tuesday for the past four months. The Democratic caucus in comparison to the Republican caucus has more young senators, more women senators, and more diversity. This means that the Democratic agenda is more varied and often times more progressive than the Republicans because the each party is fighting for issues that will affect it. In Representative Krowinski's case, she is fighting for pay equality because she is a woman and it is an issue that affects her.

At the beginning of caucus the representatives are given a chance to make announcements. Often there will be announcements about farmer's markets or small dinners that are set up for the representatives to speak outside of the State House. Representatives also make announcements about guests that are at the State House that day, or about lobbying groups whom have tables set up. For example, one day the group Migrant Justice was at the State House lobbying senators for a bill, and sharing

information about the issues that immigrants in Vermont are facing everyday. Caucus is a relaxed, causal environment, and many of the representatives seem to be at ease. Observing caucus in Vermont has left me with the question about other bigger states such as New York and wondering if caucus in other places is more strict and formal.

The purpose of H.99 is to clarify and strengthen existing laws regarding equal pay and the prohibition of discrimination in employment, housing and public accommodations. Employees may not have the fair opportunity to negotiate pay because they do not know what other employees are earning. Some female employees are assigned to lower-paying jobs that are considered more compatible with family needs. The idea behind this bill came from Europe, similarly to our Safe Cosmetics legislation. A number of European countries such as France, Germany and Great Britain have successfully implemented laws that grant employees the right to ask for flexible workplace arrangements without fear of employers retaliating and firing them. Europe has found that employers with family-friendly policies that allow some flexibility have lower rates of absenteeism and lower rates of turnover, while they have higher rates of worker productivity. H.99 prevents employers from requiring as a condition of employment that an employee refrain from disclosing the amount of wages they make. Since the Equal Pay bill was introduced in caucus it was voted on and passed the House in a vote of 115-22 on March 20th, 2013.

H.99 and H.308 both demonstrate the progressive nature of politics in Vermont in 2013. They both prioritize the individual over the large corporation who serves to make a profit by either paying their employees unfairly or packaging up unsafe chemicals and marketing them to any consumer who has no idea that they may cause harm. H.99 and

H.308 are about supporting regular citizens and protecting them from harm against people who will exploit them for money. H.99 and H.308 are also both about women's rights. Because women are the ones who receive less pay and use more cosmetics than men, both of these bills are progressive in that they are prioritizing women. In the case of H.308 women's health and reproductive rights are prioritized, and in the case of H.99 women in the workplace are prioritized by advocating for them to earn the same wages as men in their field.

Summary of Accomplishments

Bill H. 308 will not pass the legislature this year, however I still have accomplished some of the goals that I had set for this project. After the bill was drafted, I was able to successfully lobby nine representatives to co-sponsor the bill. Through this process I learned how to be a better politician, how to explain a bill and the technical terms in my bill, how to be supportive of other bills that the representatives were working on, and how to socialize with my elected leaders. The bill was introduced in the House and assigned a number, which means that in future years it won't need to go through that process again. It was assigned to the Human Services committee and I was able to go though the process of finding witnesses to testify.

DISCUSSION

In this section I will discuss what I have personally accomplished as I have attempted to pass H.308, the limitations I faced, and what it will take the pass H.308 in the future.

H.308 To Date

I learned that because people are unaware of the issue of toxics in cosmetics and personal care products, it was much more difficult to have people come together to rally around this issue and to gain the support that I needed. This legislative term had a lot of other very important bills that were being worked on and they took priority over the Safe Cosmetics Bill. The GMO labeling bill, Death with Dignity, and Equal Pay are all examples of progressive new bills that are being introduced, sent though committee, debated on the House and Senate floor and signed into law. Because these other bills will have more direct and tangible results than my bill, it is understandable why they took priority. It is impressive that Vermont is working for these new policies especially since a GMO labeling bill did not pass though the California legislature, which is one of the more liberal states in the country. The GMO labeling bill was not able to pass in California due to the power of corporate advertising and it is expected that corporations such as Monsanto will use the same tactics in the state of Vermont.

The only other state with a Death with Dignity bill is Oregon, and that received a lot of negative press from many religious pro-life individuals and organizations, yet it was still able to go though. It is interesting to observe that a GMO bill did not pass in California, yet they were able to pass a Safe Cosmetics Act, while in Vermont the GMO bill is taking priority over H.308. This is in part because the GMO bill was written up

three years ago and this is the third time that it was introduced. One of the most important lessons that I have learned is to be patient and that even if it seems like it will take a while, most bills do not go through in just a year. The bills that pass in a year are primarily relating to taxes and general maintenance of running the state.

Observing the current legislative climate, I believe that it is possible to pass H.308 in the near future. Vermont is far ahead of many other states in its efforts to protect consumers, give women equal rights, advocate for higher education and even decriminalize marijuana use. When comparing the two caucuses in number the Democratic one far outnumbers the Republican one, and with more liberal elected leaders a progressive agenda can be pushed though. Based on speculation and conversations with senators and representatives it appears that Vermont is becoming more liberal and progressive. Citizens are more likely to vote for progressive leaders who are working to pass many crucial bills. In states such as Vermont there are many NGOs who are working to try and encourage forward thinking legislation and who are fighting against bills that would harm Vermonters and their environment. For example, when a bill was introduced that was designed to make it difficult for alternative energy sources to be built, VRIPG fought against the bill. VPIRG has also been important in fighting for the ban on tris and other progressive legislation.

The bill will be addressed again in the spring of 2014 because once it has been assigned a number it stays on the legislative agenda. When representatives are elected, they serve two terms, which means that bills they have introduced do not need to be reassigned numbers and reintroduced. The bill would be strengthened if the loophole for trade secrets was removed and if it included language to say a chemical “suspected” as

causing cancer, instead of just stating “identified” as causing cancer. Because the bill is already written, these recommendations could be introduced as amendments to the bill as it progresses though committee. The bill is almost identical to California in its present form, and California was able to avoid a lawsuit, but it will be interesting to see if by removing the exemptions for trade secrets if the state of Vermont will face a lawsuit. Assessing whether or not this would cause a lawsuit is speculative and cannot be determined at this time. By using the precautionary principle instead of requiring concrete evidence, the bill would protect more people from toxic chemicals.

Limitations

The legislative session in Vermont is only five months long, making it difficult to pass every bill that is introduced in one year. Because elected leaders serve two terms, this means two years are usually spent passing bills that representatives and senators introduce. I only had a semester to work on this project and having only five months was a personal limitation. There were many other bills that had been introduced in 2012 and were prioritized in 2013, placing Safe Cosmetics legislation at the bottom of this year’s list. Based on scheduling conflicts during the semester I only had Tuesdays free to go to the State House. Had I been at the State House for more than one day a week I believe I could have done more work, connected with more people, put more pressure on the Human Services Committee to prioritize my bill and spent more time lobbying for support.

Another limitation was my own personal bias. I believed that this bill was one of the more important ones being introduced, especially in light of my aunt’s fight with

breast cancer. I believe her cancer could have been prevented had there been more regulations preventing carcinogens in products that I know she used. Others do not know this problem exists and placed less importance on the bill. When speaking with representatives it was imperative to realize that they were introducing bills that they believed to be of the utmost importance and maybe did not want to spend the time working on the legislation that I was trying to introduce.

Although I managed to get a lot of work done, if I had had more financial support I could have done more. When I was at the State House, representatives were constantly checking their smart phones, which allowed them to access their e-mail during the day and use that as a form of communication. There was one time when a representative e-mailed me to set up a meeting, and I didn't get the e-mail until I was home at the end of the day because I do not have a smart phone.

People are unpredictable and even though representatives are supposed to comply with what the majority of their constituents want, they are not free from their own biases. This was a challenge when trying to gain support. When beginning work on passing this legislation, I was aware that it would be difficult to convince people to support legislation that would cost Vermont taxpayers money. However because the bill had good intentions, I expected it to gain more support much more quickly than it actually did. One issue that I knew I would face was dealing with people who had very busy schedules and didn't have ample time to meet with a constituent on a bill that was not going to pass this term. In these situations I just asked representatives for a brief few minutes and left them with a factsheet to look at later in the day and told them I would be in touch via e-mail. My biggest goal was to not alienate anyone from this cause and to spread as much awareness

as I could so that by the 2014 legislative session the bill would have enough support to pass. The alternative for the bill not passing in 2013 is for the bill to be reintroduced in 2014 with more support.

Passing H. 308 in the Future

I believe that in a year or two H.308 could pass though the Vermont legislature, which is necessary due to the lack of legislation on the national level. The federal Safe Cosmetics and Personal Care Products Bill of 2013 would improve the lives of all U.S. citizens but the reality is that it will take years for it to pass. Many liberal senators are taking a stand on the federal level against companies who will lose money and will fight this bill to prevent it from passing. In California alone over a half a million dollars was spent lobbying against a bill with much weaker provisions than this national one and the bill almost did not pass. As of May 2013 no companies have spent money to fight the Vermont Safe Cosmetics Bill so if the federal version of the bill does not pass in a year, then it seems possible to push H. 308 through the House and Senate in the next two years. On the federal level progressive leaders such as Bernard Sanders (I-VT) and Jan Schakowski (D-IL) are spearheading legislation on a daily basis to try and protect consumers and prevent large corporations from amassing profits gained in an unfair way. NGOs such as the Environmental Working Group and the Campaign for Safe Cosmetics are using private donations to fight for progressive legislation on the federal level and occasionally join the political process at the state and local level.

National trends are indicating that enough people are now aware of the dangers they face in their daily lives from personal care products, GMO foods, pesticides, and

even flame retardants such as tris and deca found in peoples clothing and furniture. American citizens are beginning to prioritize the right to know what is in the products they are buying, and the Safe Cosmetics Bill falls directly under the category of a “right to know” bill, meaning that consumers have the knowledge made available to them to make informed decisions about the products they are buying.

At this point none of the proposed cosmetics reform bills have made it out of committee on the federal level, and in Vermont the Safe Cosmetics Bill will be placed in a special summer session to further discuss how the bill will work, and how improvements from California’s program can be made before a similar program is implemented here. It will take much more pressure from Vermont residents to pass this bill. The reason the GMO bill has been so successful in Vermont is because of all of the outreach events put on by NGOs who feel that the bill is a worthy cause. There have been many letters to the editor, petitions, calls to representatives, news broadcasts and public attention, all which have made the GMO labeling bill a priority for elected legislators who do not wish to lose favor with their constituents. If the Campaign for Safe Cosmetics and the Environmental Working Group were able to invest more time on the Vermont bill then I believe that the bill would have gone further this term, maybe even passed through the House. Both of these NGOs were aware of the bill, because I had contacted them, yet they both failed to respond to me when I asked for help. If Vermont were a bigger state, these NGOs would spend more time and resources fighting for H. 308, but because there is the possibility of passing a stronger bill on a national level, then they will invest their time and resources there.

Jill Krowinski, the representative who introduced the bill, is the one who has been spearheading the effort to gain attention for the bill. She will be in office next year and could push for the bill again. I will not necessarily be living in Vermont in the spring of 2014, and I have been the one pushing for this bill to go through. If I am not there, then I believe the bill may not be a high priority next spring, however Representative Krowinski is a progressive leader and her politics align with many in the Burlington community, so it is my prediction that she will again sponsor H. 308.

CONCLUSION

In Vermont the legislative climate is currently progressive and elected leaders are working hard everyday to fight for causes they believe will benefit the majority of Vermont residents. H.308 the Safe Cosmetics Bill would ensure that people could have access to the information about what harmful ingredients are in the personal care products that they are using everyday. In over 17,000 personal care products one or more of 96 carcinogens were found. This is unacceptable especially given the high number of cosmetics that women of reproductive age use on a daily basis. NGOs, elected leaders, members of the scientific community and concerned citizens are coming together to try and create awareness and action to address the problem of toxics that are leading to rising rates of cancer and reproductive problems. Although the Safe Cosmetics Bill did not pass through the Vermont legislature in the 2013 legislative term, there is hope that it will pass in 2014 and that on the federal level similar bills advocating for consumer protection and environmental health will pass in the near future.

EPILOGUE

When I first arrived at the State House in January 2013 I was unsure of how the process of passing a bill worked, the layout of the House, how to talk to various representatives, and if I would want to run for office myself one day. Four months later I feel confident that one day I will be an elected leader in Vermont.

The first few Tuesdays that I spent at the State House, I learned the timing of committee, caucus and floor meetings. I learned to check the schedules posted outside of the doors of each committee to find relevant bills that I would want to observe discussed. I learned the protocol for setting up various meetings with my representatives for lunch hours, and how to be concise with what I was asking for in order to maximize the short time that I had with each of them.

The most frustrating aspect of my time at the State House has been the compromise and weakening of important bills I see on a daily basis. I would not be able to sleep at night having compromised on issues such as human health and people's right to a clean environment. As I grow and learn more about politics, I am increasingly frustrated with the slow moving process, lack of immediate action and lack of bills, which prioritize people and the environment. In the United States, the political system is not functioning effectively and I believe it needs to be changed.

On the car rides to Montpelier every Tuesday Representative Krowinski gave me insight into her life as a representative. She told me that she is in session Tuesday through Friday from 8:00am until 5:00pm and many days she has dinners or other events with fellow representatives so she often does not get home until 8:00pm a few days per week. She also works at Planned Parenthood two other days during the week for a total of 10-15

hours, and told me that in total she probably works around 60 hours per week. Even though she works long hours, she is motivated by the chance to help others. She spent around $10,000 in the process to run for a spot as a representative, and her current salary is $604.79 per week during session (Empire Center, 2012). She is not a representative to make money. She is a representative because she believes that this country and state can be improved though new legislation that she will fight to introduce.

One day I was in the lunchroom and approached Senator Zuckerman to ask him if he would support my bill. What I expected to be a five-minute conversation turned into 30-minutes of advice for my political career. He told me that if one day I run in Vermont, to run as a progressive, run on a firm platform and to push for what I want. He empowered me to always ask for more from my elected officials. He asked me what I want to do one day, and when I explained that I am from Rutland, and want to eventually run for a spot as a U.S. Senator he told me that I should stay in touch with him so that he can help me find future opportunities. I have since e-mailed him, and will use him as a mentor for my future political career.

Every Tuesday when I go to Montpelier and I see the golden dome of the State House in the distance I feel hope. This is a place where some of the states brightest minds converge in order to try and pass legislation that they genuinely believe will help people. I have learned that in Vermont people join the political process not to make money, but to try and improve the lives of their fellow Vermonters. I hope that some day I will have the opportunity to follow Representative Jill Krowinski's example of a young woman in politics who thrives when she is helping others.

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This thesis is dedicated to my Aunt Kathy who died of breast cancer this past fall.
~Je t'aime beacucoup et je vais vous garder dans mon couer pour toujours. ~

* * * * *

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Appendix 1: H.308

H.308

Introduced by Representatives Krowinski of Burlington, Burke of Brattleboro, Clarkson of Woodstock, Cupoli of Rutland City, Fagan of Rutland City, Gallivan of Chittenden, Lanpher of Vergennes, Ram of Burlington, and Yantachka of Charlotte

Referred to Committee on

Date:

Subject: Health; public health; consumer safety; cosmetics

Statement of purpose of bill as introduced: This bill proposes to authorize the State Board of Health to investigate cosmetic products containing chemical ingredients identified as causing cancer or reproductive toxicity.

An act relating to investigating cosmetics

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 18 V.S.A. chapter 82, subchapter 3 is added to read:

Subchapter 3. Safe Cosmetics Act

§ 4091. REPORTING

(a) The manufacturer of any cosmetic product sold in this State that is subject to regulation by the federal Food and Drug Administration shall provide the Board with a complete and accurate list of its cosmetic products that, as of the date of submission, are sold in the State and that contain any

ingredient that is a chemical identified as causing cancer or reproductive toxicity, including any chemical that is:

(1) a chemical contained in the product for purposes of fragrance or flavoring;

(2) a chemical identified by the phrase "and other ingredients" and determined to be a trade secret under the procedure established in 21 C.F.R. part 20 (public information) and 21 C.F.R. § 720.8 (confidentiality of statements). Any ingredient identified pursuant to this subdivision shall be considered to be a trade secret and shall be treated by the Board in a manner consistent with the requirements of 21 C.F.R. parts 20 and 720. Any ingredient considered to be a trade secret is confidential and is exempt from public inspection and copying under the Public Records Act.

(b) Any information submitted under subsection (a) of this section shall identify each chemical both by its name and by its Chemical Abstracts Service registry number and shall specify each product in which the chemical is contained.

(c)(1) If an ingredient identified under this section subsequently is removed from the product in which it was contained or no longer meets the definition of a chemical identified as causing cancer or reproductive toxicity, the manufacturer of the product containing the ingredient shall submit the new information to the Board.

(2) If an ingredient that meets the definition of a chemical identified as causing cancer or reproductive toxicity subsequently is added to a product or an ingredient in the product that previously did not meet that definition of a chemical identified as causing cancer or reproductive toxicity subsequently does meet that definition, the manufacturer shall submit the new information to the Board.

(3) Upon receipt of new information pursuant to this subsection, the Board, after verifying the accuracy of that information, shall revise the manufacturer's information on record with the Board to reflect the new information.

(d) This section shall not apply to any manufacturer of cosmetic products with annual aggregate sales of cosmetic products, both within and outside Vermont, of less than $1,000,000.00, based on the manufacturer's most recent federal tax year filing.

§ 4092. INVESTIGATION

(a) In order to determine potential health effects of exposure to ingredients in cosmetics sold in the State, the Board may conduct an investigation of one or more cosmetic products that contain chemicals identified as causing cancer or reproductive toxicity or other ingredients of concern to the Board.

(b) An investigation conducted under subsection (a) of this section may include a review of available health effects data and studies, worksite health

hazard evaluations, epidemiological studies to determine the health effects of exposure to chemicals in various subpopulations, and exposure assessments to determine total exposures to individuals in various settings.

(c) If an investigation is conducted under subsection (a) of this section, the manufacturer of any product subject to the investigation may submit relevant health effects data and studies to the Board.

(d) In order to further the purposes of an investigation, the Board may require manufacturers of products subject to the investigation to submit to the Board relevant health effects data and studies available to the manufacturer and other available information as requested by the Board, including the concentration of the chemical in the product, the amount by volume or weight of the product that comprises the average daily application or use, and sales and use data necessary to determine where the product is used in an occupational setting.

(e) The Board shall establish reasonable deadlines for the submission of information required under subsection (d) of this section. Failure by a manufacturer to submit the information in compliance with the requirements of the Board shall constitute a violation under section 4054 of this title.

§ 4093. ENFORCEMENT

If the Board determines, after an investigation conducted under section 4092 of this title, that an ingredient in a cosmetic product is toxic at the

concentrations present in the product or under the conditions used, the Board shall, in a written finding within 90 days of its initial determination, determine if the product presents a health risk to an employee who has regular exposure to the hazard for the period of his or her working life. The written finding shall identify the reasons and factual bases for the Board's determination, and based on those reasons and factual bases, the Board may deem the product to be an adulterated cosmetic.

Sec. 2. 18 V.S.A. § 4051 is amended to read:

§ 4051. DEFINITIONS

~~For the purposes of~~ As used in this chapter:

* * *

(9) The term "toxic" shall apply to any substance which has the inherent capacity to produce bodily injury to ~~man~~ a person through ingestion, inhalation, or absorption through the skin.

* * *

(25) The term "chemical identified as causing cancer or reproductive toxicity" means a chemical identified by the Board as any of the following:

(A) a substance listed as known or reasonably anticipated to be a human carcinogen in a National Toxicology Program report on carcinogens;

(B) a substance given an overall carcinogenicity evaluation of Group 1, Group 2A, or Group 2B by the International Agency for Research on Cancer;

(C) a substance identified as a Group A, Group B1, or Group B2 carcinogen, or as a known or likely carcinogen by the U.S. Environmental Protection Agency; or

(D) a substance identified as having some or clear evidence of adverse developmental, male reproductive, or female reproductive toxicity effects in a report by an expert panel of the National Toxicology Program's Office of Health Assessment and Translation or its predecessor, the Center for the Evaluation of Risks to Human Reproduction.

(26) The term "manufacturer" means any person whose name appears on the label of a cosmetic product pursuant to the requirements of 21 C.F.R. § 701.12.

Sec. 3. 18 V.S.A. § 4054(a) is amended to read:

(a) A person who violates any of the provisions of section 4052 or 4092 of this title shall be imprisoned for not more than one year or fined not more than $1,000.00, or both; but if the violation is committed after a conviction of the person under this section has become final, the person shall be imprisoned for not more than one year, or fined not more than $2,500.00, or both.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2013.

Appendix 2: One Page Fact Sheet January 24, 2013

Safe Cosmetics Act of 2013 in Vermont
Bill H. 308

The Problem:

- In the United States, only 20% of the chemicals used by the cosmetics industry have been subjected to testing by the Food and Drug Administration. In the United States, the safety of cosmetics products is the responsibility of the Cosmetics Ingredient Review Board, which is a nongovernmental body established and funded by the cosmetics industry to review the safety of cosmetic ingredients.
- According to a 2004 analysis of the 2003 CIR Compendium by the Environmental Working Group, 54 cosmetic products violate the CIR's own safe use recommendations to manufacturers by containing an ingredient that the CIR has found is not safe for the specific use indicated on the product's label.

Proposed Solution:
Create legislation in Vermont similar to the Safe Cosmetics Act of 2005 in California.

This Bill Would:
• Require cosmetics manufacturers to disclose to the state any ingredient that is on state or federal lists of chemicals that cause cancer or birth defects.
• Allow the state Department of Health Services (DHS) to demand manufacturers supply any health related information about cosmetic ingredients.

Success Story:
In 2005, California passed the Safe Cosmetics Act, which went into effect in 2007. Through citizen mobilization, grassroots organizing and lobbying of their Senators, California's people passed Senate Bill 484.

Groups in Support of the Safe Cosmetics Act in Vermont:

- Environmental Working Group
- Campaign for Safe Cosmetics
- Planned Parenthood
- Campaign for a Safe and Healthy VT
- Vermont Public Interest Research Group

Opposition:

- Concern over small businesses being negatively affected financially (there is an exemption for local businesses that make under $1 million per year so the bill will not harm small Vermont businesses)
- Personal Care Products Council
- Cosmetics, Toiletries and Fragrance Association

For More Information Contact:
Representative Jill Krowinski or Anna Tadio
Jill.krosinski@gmail.com atadio@uvm.edu

Appendix 3: Instructions for students lobbying their senators and representatives February 25, 2013

How to Lobby Your Senator or Representative
Safe Cosmetics Bill H. 308

The Rap!

Include: 1. Greeting 2. Hook 3. Pitch 4. Strong Ask

Tips:
-Triple Threat: big smile, eye contact, confident voice
-Power stance
-Kill them with kindness
-Approach with respect but firmness
-Stay on message

Lobbying Rap:

Hi my name is ( ). How's it going?

Have you heard about the Safe Cosmetics Bill?

In the United States, only 20% of the chemicals used by the cosmetics industry have been subjected to testing by the Food and Drug Administration. House Bill 308 or the Safe Cosmetics Bill would require cosmetics manufacturers to disclose to the state any ingredient that is on state or federal lists of chemicals that cause cancer or birth defects and would allow the state Department of Health Services (DHS) to demand manufacturers supply any health related information about cosmetic ingredients. This bill would help ensure that the people of Vermont are not unnecessarily exposed to carcinogens in their personal care products!

Would you be willing to support Bill H.308 in order to better protect the health of Vermont citizens? Thank you!

Appendix 4: Sample of E-mail Correspondence with NGOs

Sent to Campaign for Safe Cosmetics:

February 5, 2013

To Whom it May Concern,
My name is Anna Tadio, and I am a Vermont resident and senior at the University of Vermont. My senior thesis is working to pass a Safe Cosmetics Bill in the state of Vermont similar to the 2005 California Safe Cosmetic's Act.

The bill has been written up and Representative Krowinski and I are currently in the process of looking for co-signers, for her committee Human Services in the VT House of Representatives. I was hoping that you could provide materials that will help educate the general public in our campaign.
Please let me know if this would be possible!
Thank you so much,

Anna Tadio
atadio@uvm.edu
(802) 779-4621

Sent to Vermont Public Interest Research Group, Environmental Working Group, Alliance for a Clean and Healthy Vermont, and Toxics Action Network

February 5, 2013

Hello,
My name is Anna Tadio, and I am a Vermont resident and senior at the University of Vermont. My senior thesis is working to pass a Safe Cosmetics Bill in the state of Vermont similar to the 2005 California Safe Cosmetic's Act.

The bill has been written up and Burlington Representative Krowinski and I are currently in the process of looking for co-signers, for her committee Human Services in the VT House of Representatives.

I am e-mailing you to ask for your support in passing the bill. Is there someone in your office who would be interested in speaking with me about ways to reach the general public to spread the word about this bill?

Thank you very much!
Anna Tadio

Sample of E-mail sent to small businesses when looking for testimony.
Sent to Flourish, Elmore Mountain Farm, VT Soap Organics and Filthy Farm Girl

March 1, 2013

Hello Filthy Farm Girl,

My name is Anna Tadio and I am from Rutland VT, and currently a senior at UVM. I have bought soaps from you before at the local Rutland Farmers Market and believe that you are a wonderful company based on your use of all natural ingredients.

I am currently working on my senior thesis, which is to pass Safe Cosmetics Legislation in the state of VT similar to the legislation in California. The bill is currently in the house and is number H 308. The bill would require personal care products companies who make over $1 million dollars in the Sate of Vermont to provide the State Department of Health with a list of the ingredients that are in their products which are known to cause cancer or reproductive toxicity.

I am currently in the process of trying to find people who would be willing to testify before the House Human Services Committee about why this would benefit the citizens of Vermont. Because your company already exemplifies green practices and does not contain toxic ingredients, the bill would benefit your company by making it more difficult for your competition (big businesses) to sell their products in the state of Vermont.

I was wondering if a representative from your company would be willing to testify stating that your local business would support this legislation?

I assume you will have questions regarding the bill and I would love to speak with a representative over the phone, however I could not find a number on your website!

Please let me know if this is something that you would be interested in!

Thank you for your time!

Anna Tadio
atadio@uvm.edu
(802) 779-4621

Response e-mails are not included in electronic copy.

For response e-mails please see hard copy located in the Environmental Program Office at the University of Vermont.

Appendix 5: Letter to the Editor

Rutland Herald & Times Argus Archives

Date: March 25, 2013 **Section:** OPINION
Hidden threat in care products

Every day we all use personal care products from soap to deodorant, shampoo to makeup, which contain toxic chemical ingredients that are absorbed through the skin, ingested or inhaled. Chemicals found in these products have been linked to cancer, birth defects, learning disabilities and reproductive toxicity.
According to the Skin Deep report by the Environmental Working Group, one-third of personal care products contain at least one chemical linked to cancer.

In the United States, only 20 percent of the chemicals used by the cosmetics industry have been subjected to testing by the Food and Drug Administration. This is unacceptable. Major loopholes in federal law prevent the government from requiring safety testing for long-term negative health effects.

I believe that the government should be protecting us, but it's not. In the state of Vermont, safe cosmetics legislation has just been introduced that would help protect Vermonters from the unregulated $50 billion cosmetics industry.

House bill 308 would require cosmetics manufacturers to disclose to the state any ingredient that is on state or federal lists of chemicals that cause cancer or birth defects and would allow the state Department of Health Services to demand manufacturers supply any health-related information about cosmetic ingredients. This bill would help ensure that the people of Vermont are not unnecessarily exposed to carcinogens in their personal care products.

Please join me in supporting this crucial legislation.

ANNA TADIO
Rutland

Appendix 6: News Article about H. 308

News article is not included in electronic copy.

Please see hard copy located in the Environmental Program Office at the University of Vermont.