MEMORANDUM-IN-OPPOSITION

S. 6829-B (Kaminsky)  A.8829
(Englebright)

AN ACT to amend the environmental conservation law,
in relation to prohibiting certain uses of trichloroethylene

The bill would prohibit the use of trichloroethylene as a vapor degreaser, an intermediate
chemical to produce other chemicals, a refrigerant, or an extraction solvent, or its use as a
cleaning product for manufacturing or industrial cleaning processes.

The Halogenated Solvents Industry Alliance, Inc. (HSIA), which represents the manufacturers
and users of trichloroethylene, is OPPOSED to this legislation. HSIA's members are committed
to the safe use of their products and the practice of good product stewardship.

It is the role of the federal government, not the states, to conduct thorough reviews of chemicals
in commerce. Trichloroethylene (TCE) is one of the most studied chemicals in commerce with
research on its use going back many decades.

Upon enactment of the Frank Lautenberg Chemical Safety Act of 2016, which modernized and
reauthorized the federal Toxic Substances Control Act, the federal government via the U.S.
Environmental Protection Agency (EPA), began a process of conducting risk assessments of
chemicals. TCE was one of the first ten chemicals to go through this process. EPA published for
comment a draft risk evaluation of trichloroethylene in 2019, and it was peer-reviewed by the
Scientific Advisory Committee on Chemicals earlier this year. EPA will shortly issue the final risk evaluation and will then move into the risk management process.

EPA’s aforementioned risk evaluation addresses all of the trichloroethylene uses listed in this bill (e.g., vapor degreasing, use as an intermediate chemical to produce other chemicals, use as a refrigerant, use as an extraction solvent, and use in the manufacturing cleaning process). As such, HSIA respectfully requests that the State of New York await release of the EPA’s final risk evaluation of TCE to determine what risk management steps, if any, are appropriate before consideration of S.6829-B / A.8829. The State should not second-guess the work of the federal government before completion of its task, as required by federal law.

In view of the foregoing, the Halogenated Solvents Industry Alliance (HSIA) on behalf of its member companies, is constrained to OPPOSE S.6829-B / A.8829 and URGES ITS DEFEAT.

Respectfully submitted,

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