



# Hidden Danger?

May 5, 2008

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● The next issue of  
 ● Capitol Journal will be  
 ● available on May 12th.  
 ●

## Top Story

*Studies show that a staggering number of man-made items leach toxic chemicals into our bodies every day. Now, a growing number of states have set their sights on getting those chemicals out of consumer products.*

## SNCJ Spotlight

### States look to flush out hidden toxins

**F**or years, both state and federal lawmakers have been taking steps to remove dangerous chemicals like lead and mercury from most consumer products. But several recent scientific studies show that a staggering number of ubiquitous man-made items exude other toxic chemicals that subsequently leach into our bodies every day. Now, a growing number of states have set their sights on weeding out those chemicals as well.



Just how many chemicals are being funneled into our bloodstream is not yet known, though an ongoing study by the Centers for Disease Control and Prevention has identified almost 150 toxic chemicals in its 2,400 human subjects. Those elements include not only lead and mercury, but also dioxins and Polychlorinated biphenyl (a synthetic chemical known as PCB), bisphenol-A (BPA) and phthalates, both widely used in plastic products of all sorts. BPA is in fact so common that it has been detected in the urine of 93 percent of the U.S. population over 6 years old.

While it once was thought to take years for humans to build up large amounts of these chemicals in their bodies, some studies are now showing a disturbing rise in chemical contamination in newborn babies. For example, a 2005 study by the Environmental Working Group (EWG), a Washington D.C. advocacy group, found an average of 200 industrial pollutants and toxic chemicals in the umbilical cord blood of 10 newborns, including “pesticides, consumer product ingredients, and wastes from burning coal, gasoline, and garbage.” The EWG study also found dozens of widely used brominated flame retardants known as PBDEs.

And where did all of these chemicals come from? The answer is: from almost everywhere. Sources include not only the obvious host of pesticides and household cleaners, but also such seemingly innocuous items as nail polish, shower curtains, mattresses, CDs, plastic water bottles and children’s toys. Food and beverage containers made of plastics are also prime culprits.

But although there is general agreement among most observers that these chemicals are making their way into humans, scientists are still trying to determine just what health impact, if any, they actually have on people. The chemical industry — and the industries that manufacture the products that contain the chemicals, like toys and computers — claims that the vast majority of them have been used without harm for decades. But a growing number of reports indicate that may not actually be true.

Just weeks ago, the National Toxicology Program, a part of the U.S. Department of Health and Human Services, issued a draft report that indicated BPA could be linked in laboratory animals to a variety of deadly diseases, including breast cancer

and prostate cancer, as well as early puberty in females and assorted behavioral problems. The report cautioned that recent studies showed only “limited evidence” of adverse effects, but also called for more research, noting that,

“because these effects in animals occur at bisphenol-A exposure levels similar to those experienced by humans, the possibility that bisphenol-A may alter human development cannot be dismissed.”

Even so, not everyone thinks BPA is unsafe. While calling for more research to be done, Steven G. Hentges, executive director of the polycarbonate/BPA global group at

**“We’re not waiting to take action to protect our people and our environment from the long-term effects of bisphenol-A.”**

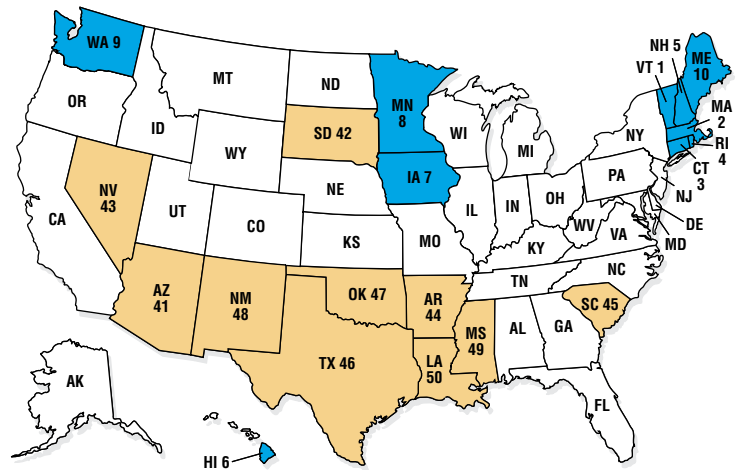
the American Chemistry Council, which is supported by the plastics industry, said that since the report “found no serious or high-level concerns for human health,” he believed it provided “reassurance that consumers can continue to use products made from bisphenol-A.”

Until recently, no country or state had enacted restrictions on the use of BPA. That changed last month when Canadian officials declared it to be a toxic chemical and banned the sale of baby bottles containing BPA. At a news conference announcing the action, environment minister John Baird said, “We’re not waiting to take action to protect our people and our environment from the long-term effects of bisphenol-A.”

At least one major American company also chose not to wait any longer. Rochester, NEW YORK-based Nalgene Outdoor Products, which popularized water bottles made from a hard, clear and nearly unbreakable polycarbonate containing BPA, announced almost immediately that it will no longer sell its products containing the chemical.

Elsewhere in the United States, the focus is not solely on BPA, but several states are also looking to crack down on potentially dangerous chemicals. Several, including MAINE, CALIFORNIA, MICHIGAN and NEW YORK, already ban two types of PBDE, while CALIFORNIA, MAINE, MICHIGAN and WASHINGTON have enacted measures to limit the presence of phthalates in children’s products. According to State Net, more than 20 states are currently considering close to a hundred bills related to toxic chemicals, with eight of those having passed through at least one legislative chamber as of this writing. Several of the pending measures, including CALIFORNIA SB 899, ILLINOIS HB 4744 and MASSACHUSETTS SB 545, specifically bar products with excessive levels of BPA in them. Many others, such as HAWAII HB 2443, MINNESOTA HB 200 and VT SB 261, would enact

## Bird’s eye view



Source: Every Child Matters Education Fund. Blue States rated highest overall on child well-being. Yellow States rated lowest overall on child well-being.

### Child well-being varies widely among states

The state a child is born and raised in has a major impact on whether he or she will survive to adulthood, according to a report released last month by the nonprofit, nonpartisan Every Child Matters Education Fund. The report compared all 50 states on the basis of 10 key indicators of child well-being, including infant mortality rate, child poverty rate, child abuse fatality rate and per-capita child welfare spending. Among the findings were that children in LOUISIANA were more than twice as likely to die before their first birthday as those in MONTANA and VERMONT, and children in OKLAHOMA were 13 times more likely to die from abuse or neglect as those in MAINE. The chart shows the 10 states rated highest and lowest overall.





similar restrictions on products with phthalates. Still others, such as MARYLAND HB 1, RHODE ISLAND HB 7906 and MAINE B 809, would prohibit PBDEs.

But just getting any of these measures to the governor is no guarantee they will be signed into law. In WASHINGTON last month, Gov. Christine Gregoire (D) line-item vetoed parts of HB 2647 — a measure that severely limited the amount of phthalates in children’s products — even though lawmakers had overwhelmingly approved the bill. But under intense lobbying from the toy industry, Gregoire nixed portions of the measure she said would hurt small toy manufacturers. She also formed an advisory council to ensure the law does not pertain to internal electrical components

**“The toys that harm our children are not welcome here in WASHINGTON state. But we must make sure that we do not throw out the good with the bad.”**

that are not accessible to children. “The toys that harm our children are not welcome here in WASHINGTON state,” Gregoire said. “But we must make sure that we do not throw out the good with the bad.”

Not all lawmakers, however, are as willing to wait to determine what is good and bad. NEW YORK Assembly Bill 7494 (same as SB 4360) takes the same “better safe than sorry” tack as the Canadians by calling for restrictive actions “even if there is a lack of full scientific certainty about cause and effect” of certain chemicals. But with science itself not yet ready to pass final judgment on these and many other chemicals, and with many states fearful of driving off industries in an already tough economic climate, Gregoire’s dilemma is one that several more lawmakers and governors are likely to face in the near future.

(STATE NET, NEWSWEEK, LOS ANGELES TIMES, WASHINGTON POST, SEATTLE TIMES, NEW YORK TIMES)

— *Compiled by RICH EHISEN*

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## Budget & taxes

**S**TATES REPORT WORSENING FISCAL OUTLOOK: Last month, the National Conference of State Legislatures released the results of its latest survey of state fiscal officers. And the news was as bad as expected.

Sixteen states reported budget gaps for the current year totaling \$11.7 billion. The report cited “anemic revenue performance” as the principal reason for the shortfalls.

The outlook is even worse for FY 2009, with 23 states projecting a collective budget gap of more than \$26 billion. Poor revenue performance was again identified as the main culprit. In fact, thirty-three states indicated they are “concerned” about their revenue outlook for next year, and four — ARIZONA, DELAWARE, NEW YORK and WASHINGTON — are actually “pessimistic.”

But ten states, including those with strong energy-related economies like OKLAHOMA, TEXAS and WEST VIRGINIA, and some Midwestern ones like IOWA and MISSOURI, projected revenues would be “stable” in FY ‘09. And three others — ALASKA, NORTH DAKOTA and WYOMING, all with booming energy sectors — are “optimistic” about their revenue outlook.

Still the report pointed out that if the national economic situation continues to worsen, even states that currently have stable revenue outlooks could find themselves in trouble.

As the report summed up SOUTH DAKOTA’s fiscal situation: “The state outlook is relatively stable, but officials are concerned that national trends could drag the state down.”

**CORZINE BACKS OFF TOLL PLAN:** For much of the past year and a half, NEW JERSEY Gov. Jon Corzine (D) has been working on a plan to cut the state’s debt and pay for transportation projects by dramatically increasing highway tolls. But legislative leaders have been saying for weeks that the plan — which would raise tolls as much as 800 percent over 15 years — is unpassable, and Corzine finally conceded last month that it is “politically dead.” The governor’s advisers are now reportedly considering smaller toll hikes to cover just transportation costs. But one administration insider cautioned that the governor is known for making last minute decisions and still hadn’t actually made up his mind. Corzine spokeswoman Lilo H. Stainton seconded that view, stating that the governor was considering a range of options but was focusing right now on passing the state budget by the July 1 deadline mandated by state law. “There will be time to talk about other things afterward,” she said, adding, “No decisions have been made” regarding the toll plan. (NEW YORK TIMES)

## The week in session

**States in Regular Session:** AL, AZ, CA, CO, CT, DC, DE, FL, IL, KS, LA, MA, MI, MN, MO, MS, NH, NY, OH, OK, PA, RI, SC, TN, US, VT, WI

**States in Perfunctory Session:** IL  
Special Sessions “a”-“s”

**States in Budget Hearings:** NJ

**States in Special Session:** WI “c”, WI “d”, WI “e”

**Special Sessions in Recess:** CA “a”, CA “b”, PA “a”

**States Currently Prefiling or Drafting for 2009:** MT, ND

**States Projected to Adjourn:** AZ, CO, CT, FL

**States Adjourned in 2008:** AK, GA, HI, IA, ID, IN, KY, MD, ME, MS, NE, NM, SD, UT, VA, WA, WV, WY

**State Special Sessions Adjourned in 2008:** AR “a”, CT “a”, DE “a”, LA “a”, LA “b”, ME “a”, NC “b”, OR “a”, VA “a”, WV “a”

Letters indicate special/extraordinary sessions

— Compiled By JAMES ROSS  
(session information current as of 05/02/2008)  
Source: State Net database



## NE OVERCHARGED FOR OFFICE

**SUPPLIES:** NEBRASKA is not happy with the service it's been receiving from Office Depot. State Auditor Mike Foley said last week that the state has been seriously overcharged for office supplies purchased under an exclusive three-year, \$3 million annual contract with the company initiated in 2005. On one invoice, Foley found that the state had been overcharged 407 percent for staples and 111 percent for Post-It tape flags. Foley said such items might be modestly-priced, but on a \$3 million contract they add up. Office Depot officials contend the price discrepancies are the result of market-price fluctuations that the contract allows for. But Foley said those adjustments are supposed to be pre-approved by the state and they weren't. Foley evidently initiated his audit after learning that a recent audit in NORTH CAROLINA uncovered nearly \$41,000 in overcharges by Office Depot, that CALIFORNIA was reportedly overcharged \$1 million by the company and that GEORGIA cancelled a \$40-million exclusive contract with the company over the same issue. Office Depot "needs to clean up its act," Foley said. (JOURNAL STAR [LINCOLN])

**BUDGETS IN BRIEF:** U.S. House and Senate negotiators reached a tentative agreement last week on the federal farm bill (see FARM BILL STALLED IN CONGRESS in April 21 issue of *SNCJ*). The plan would increase spending on nutrition programs by \$10 billion and scale back a tax credit for producing corn-based ethanol (WALL STREET JOURNAL). • FLORIDA Gov. Charlie Crist (R) is backing a proposal to cut the state gas tax 10 cents for two weeks this summer. The governor wants to dip into the state's general tax fund to cover the plan's \$50 million price tag (ST. PETERSBURG TIMES). • A commission appointed last year by NEW YORK's former-Gov. Eliot Spitzer issued a report last week indicating that the state could save \$1 billion a year by consolidating water services, school districts and other local government agencies.

## Upcoming elections

05/01/2008 - 05/22/2008

05/03/2008

### Louisiana Special Election

US House (LA 1st & 6th Congressional Districts)

05/06/2008

### Indiana Primary Election

House (All)

Senate 2, 3, 5, 7, 8, 9, 10, 12, 13, 16, 18, 20, 24, 28, 30, 32, 33, 34, 35, 36, 37, 40, 42, 44, 50

Constitutional Officers: Governor, Lieutenant Governor, Attorney General, Superintendent of Public Instruction  
US House (All)

### North Carolina Primary Election

House (All)

Senate (All)

Constitutional Officers: Governor, Lieutenant Governor, Secretary of State, Treasurer, Attorney General, Auditor, Insurance Commissioner, Labor Commissioner, Superintendent of Public Instruction

US House (All)

US Senate (Dole)

### North Carolina Special Election

House District 18

05/10/2008

### Texas Special Election

House 119

05/13/2008

### Georgia Special Election

House District 093 (Sailor)

### Mississippi Special Election Runoff

US House (MS 1st Congressional District)

### Nebraska Primary Election

Legislature (Odd)

US Senate (Hagel)

(continues on next page)



Gov. David Paterson (D) endorsed the commission's recommendations (NEW YORK TIMES). • Health researchers said last week that every percentage-point the U.S. unemployment rate rises during the current economic downturn will increase the number of uninsured Americans by 1.1 million, boosting demand for government health coverage (NEW YORK TIMES). • Last month, after eight weeks of negotiation, FLORIDA lawmakers reached agreement on a \$65 billion state budget. The full Legislature was expected to approve the spending plan before adjourning May 2 (ST. PETERSBURG TIMES). • CALIFORNIA Gov. Arnold Schwarzenegger (R) has pegged the state's budget deficit through June 2009 at \$20 billion, up from the \$16 billion figure forecast in February and nearly a fifth of the state's total budget (SAN DIEGO UNION-TRIBUNE). • The FLORIDA Legislature overwhelmingly approved legislation granting those who've been wrongfully imprisoned \$50,000 for each year they spent behind bars. The compensation would not be available to anyone with a prior felony conviction (SOUTH FLORIDA SUN-SENTINEL)

— *Compiled by KOREY CLARK*

## Upcoming elections (cont.)

05/01/2008 - 05/22/2008

### West Virginia Primary Election

House (All)

Senate (All)

Constitutional Officers: Governor, Secretary of State, Treasurer, Attorney General, Auditor, Commissioner of

Agriculture

US House (All)

US Senate (Rockefeller)

05/20/2008

### Arkansas Primary Election

House (All)

Senate 1, 2, 3, 4, 7, 8, 9, 12, 17, 20, 23, 24, 25, 26, 30, 31, 32, 33

US House (All)

US Senate (Pryor)

### Kentucky Primary Election

House (All)

Senate (Odd)

US House (All)

US Senate (McConnell)

### Oregon Primary Election

House (All)

Senate 1, 2, 5, 9, 12, 14, 18, 21, 22, 23, 25, 27, 28, 29, 30

Constitutional Officers: Secretary of State, Treasurer, Attorney General

US House (All)

US Senate (Smith)

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# Politics & leadership

**C**ONSTITUTIONAL AMENDMENTS 'IN' IN ILLINOIS: In recent years, ILLINOIS lawmakers haven't had much interest in amending the state constitution. The last time an amendment was on the state ballot was 1998, and of the 108 measures introduced in the General Assembly between 2003 and 2006, only two came up for a vote of any kind.

But things are a little different this year. As of last week, nine amendments — including proposals to lower the voting age from 18 to 17 (HCA 29) and replace the state's flat income tax with a graduated one (SCA 92) — had already been approved by legislative committees. Whether any of those measures would actually make it to the Nov. 4 ballot, however, was uncertain.



Kent Redfield, a political scientist at the University of ILLINOIS at Springfield, believes the sudden interest in constitutional reform among lawmakers is related to the general dissatisfaction with the scandal-plagued administration of Gov. Rod Blagojevich (R) — and is partly for show.

“A lot of (the amendments) is posturing, but a lot is also frustration about the inability of the governor to lead,” Redfield said.

That certainly seems true of the proposed amendment most closely tied to disapproval of Blagojevich: HCA 28, which would make the six officials elected statewide, including the governor, and legislators subject to recall by voters.

The House passed the measure last month. But its Senate sponsor, Sen. Donne Trotter (D), kept it locked up in committee until last week when a Senate panel

## Upcoming stories

Here are some of the topics you will see covered in upcoming issues of the State Net Capitol Journal:

- **Plastic bag recycling**
- **Nuclear power**
- **Health insurance**

**“No piece of legislation should ever be aimed at any individual. I stand with the governor.”**

approved an amended version expanding the recall to include judges, mayors and county board officials, and also making Lt. Gov. Pat Quinn (R) — a backer of the amendment and a regular critic of Blagojevich — subject to any recall effort initiated against the governor.

It appeared unlikely the revamped proposal would be approved by both the full Senate and the House by the May 4 deadline for getting the measure on the fall ballot. In fact, Redfield believed the Senate would go on to pass its version and the two chambers

**“This was a true travesty. It was a blatant power play against the people of this state.”**

would be unable to resolve their differences in time, allowing both to claim “they enthusiastically support a recall and then just blame the other chamber.”

But when House Speaker Michael Madigan (D) indicated that his chamber would convene over the weekend to consider the Senate’s version if that chamber passed it, Senate President Emil Jones (D), one of Blagojevich’s staunchest allies, evidently blinked, engineering the defeat of the amendment by three votes and then promptly adjourning for the week.

“No piece of legislation should ever be aimed at any individual,” Jones said afterward, adding, “I stand with the governor.”

Senate Republicans, who’d demanded and were denied a vote on the House version of the amendment, vented their frustration.

“This was a true travesty,” said Senate Minority Leader Frank Watson (R). “It was a blatant power play against the people of this state.” (STATE JOURNAL REGISTER [SPRINGFIELD], CHICAGO SUN-TIMES, CHICAGO TRIBUNE)



## HIGH COURT APPROVES

**INDIANA VOTER-ID LAW:** Last week, the U.S. Supreme Court voted 6-3 to uphold INDIANA's controversial election law requiring registered voters to show government-issued photo ID before casting a ballot.

Over two dozen groups, including the League of Women Voters, filed briefs opposing the law, passed in 2005 by the then-GOP-controlled INDIANA General Assembly without a single Democratic vote.

In an opinion signed by two other justices, Justice John Paul Stevens wrote, "While the most effective method of preventing election fraud may well be debatable, the propriety of doing so is perfectly clear." Stevens also said little evidence had been presented to the court showing INDIANA voters were being disenfranchised by the law.

The three other justices who voted to uphold the law went further, asserting the primacy of state election laws.

"It is for state legislatures to weigh the costs and benefits of possible changes to their election codes, and their judgment must prevail unless it imposes a severe and unjustified overall burden upon the right to vote, or is intended to disadvantage a particular class," wrote Justice Antonin Scalia.

Only INDIANA, FLORIDA and GEORGIA currently require voters to present photo ID at the polls. But some worry the ruling will encourage other states to go ahead with similar restrictions.

**"There are already bills pending in legislatures across the country. The fear is that this will breathe new life into some of those efforts."**

The high court's decision left the door open for future challenges should proof of disenfranchisement materialize. But coming about a month after the court upheld WASHINGTON's controversial "top-two" primary election law over the objection of the state's political parties, the justices are sending a clear message to the states, in the mind of at least one state official. The two rulings focus "everybody back on the need to bring into federal court somebody who's actually been injured, instead of a collection of interest groups who claim to represent the aggrieved," said INDIANA Solicitor General Tom Fisher. (STATELINE.ORG)

## In the hopper

At any given time, State Net tracks tens of thousands of bills in all 50 states, the US Congress and the District of Columbia. Here's a snapshot of what's in the legislative works:

**Number of prefiles last week:** 54

**Number of Intros last week:** 1,551

**Number of bills enacted/adopted last week:** 886

**Number of prefiles to date:** 17,972

**Number of Intros to date:** 75,423

**Number of bills enacted/adopted overall to date:** 14,837

— Compiled By JAMES ROSS  
(measures current as of 05/01/2008)  
Source: State Net database





As the *Sacramento Bee* reports, the state Board of Equalization announced recently that it wants “non-food” animal sellers to collect the state sales tax on those transactions. The Board figures it loses about \$14 million a year from untaxed pet sales, and with the Golden State facing an \$8 billion budget shortfall, it is looking to cobble together every nickel and dime it can get its hands on. Too bad they can’t just tax all the bull that goes around the Capitol every day. That would clear that old deficit right up.

## In case you missed it

In the April 21 issue of SNCJ, columnist Lou Cannon weighed in the myriad of fiscal problems states may soon face as our economy heads toward a recession.

In case you missed it, the article can be found on our Web site at

[http://www.statenet.com/capitol\\_journal/04-21-2008/html](http://www.statenet.com/capitol_journal/04-21-2008/html)

**NO BIG PHONY:** Politicians love getting the credit when things go right. But PENNSYLVANIA state Sen. John Eichelberger recently caused a kaffuffle for not being willing to hog the spotlight. As the *Pittsburgh Post-Gazette* reports, Eichelberger refused to pose alongside one of those giant ceremonial checks that are trotted out at public events to showcase tax dollars being invested into a project — the obvious insinuation being that the lawmaker standing there is the one who brought home the bacon. His refusal irked some of his fellow pols, who say the big phony checks are a political tradition “as old as the PENNSYLVANIA hills.” Perhaps, but Eichelberger, a freshman, notes that he pledged during his campaign not to appear with the checks if elected. Eichelberger also wistfully noted that hard work from county and state development officials made possible the deal they were celebrating, not elected officials.

**DEVAL’S NIGHT JOB:** As if running the \$28 billion Bay State government isn’t enough, MASSACHUSETTS Gov. Deval Patrick is taking on a night job: author. According to the *Boston Globe*, Patrick recently signed a \$1.35 million deal to write his memoirs. That’s pretty good for a guy who most people outside of Beantown had never even heard of until just a few years ago. Patrick deflected questions as to how he would find the time to put words to paper, given the demands of running the state and all. His answer: “nights and weekends.” Of course, when you consider that virtually every presidential candidate in recent memory published a book beforehand, Patrick could have plenty of motivation for burning the midnight oil.

— By RICH EHISEN



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