



Solutions for a  
Toxic-Free Tomorrow

Testimony of Sarah Woodbury, Director of Advocacy, Defend Our Health  
In OPPOSITION of LD 1662, “An Act To Update Maine's Sales Prohibition on Upholstered  
Furniture Treated with Flame-retardant Chemicals”  
Before the Environment and Natural Resources Committee  
May 17, 2021

Good Morning Senator Brenner, Representative Tucker and members of the Environment and Natural Resources Committee. My name is Sarah Woodbury. I am the director of advocacy for Defend Our Health. Defend Our Health’s mission is to make sure that everyone has equal access to safe food and drinking water, healthy homes and products that are toxic-free and climate friendly. We are testifying in opposition to LD 1662, “An Act To Update Maine's Sales Prohibition on Upholstered Furniture Treated with Flame-retardant Chemicals”.

In 2017, Maine passed the first of its kind chemical flame retardant ban which phases out the toxic chemicals from upholstered furniture. LD 182, “An Act To Protect Firefighters by Establishing a Prohibition on the Sale and Distribution of New Upholstered Furniture Containing Certain Flame-retardant Chemicals,” had broad, bipartisan support, including from some of you on this committee today as well as support from firefighters, health advocates, and environmental groups. LD 182 phased out all flame retardant chemicals in residential upholstered furniture, because none are needed for fire safety. This last element is especially important and the key fact the legislature recognized in passing LD 182. Because chemical flame retardants are unnecessary for fire safety, the legislature wanted to avoid “regrettable substitution,” in which one dangerous, carcinogenic chemical is replaced with another.

The bill before you today, LD 1662, weakens this groundbreaking law. LD 1662 amends LD 182 to replace Maine’s prohibition on all chemical flame retardants with a requirement that instead requires furniture meet the “...requirements established for upholstered furniture in the California Business and Professions Code.” This would require the DEP to use the California definition of chemicals to be banned instead of the definition that Maine allows. California’s definition is narrower than Maine’s. It applies to only a specific group of chemicals. Maine’s law applies to all chemical flame retardants, even ones that may not have been identified or created yet, allowing DEP to deal with emerging contaminants.

Chemical flame retardants do not belong in furniture. We are especially concerned about their impacts on children and their developing brains. Over time, the chemicals leave furniture and end up in household dust, where children are exposed through hand-to-mouth activity or by breathing it in. Many of these toxic chemicals have been associated with decreased IQ, learning deficits and hyperactivity in children, impaired memory function, and well as with cancer, reproductive problems, and hormone and immune disorders.

Their link to cancer is also concerning to the brave men and women who serve as firefighters. Professional firefighters suffer from more than 10 types of cancer at higher rates than the general population. Cancer is now the leading cause of line-of-duty deaths for professional



firefighters. Our firefighters already risk their life to keep us safe and we should not be exposing them to more dangerous chemicals.

We understand the desire for easier verification from local retailers that products are compliant with the law. However, that should not be a basis for weakening Maine's standards, and if that is a major barrier, we would welcome a discussion of more appropriate mechanisms for achieving that goal, such as a certification mechanisms for manufacturers to document compliance to Maine retailers. We should not be weakening a law that was put in place to protect both firefighters and our children from toxic chemicals. It has been shown time and again that these chemicals are not necessary in furniture. Therefore, we urge the committee to unanimously vote "ought not to pass".

Thank you for your time.