

Calvin M. Dooley, President and Chief Executive Officer
American Chemistry Council
700 Second Street, NE
Washington, DC 20002

June 4, 2012

Dear Mr. Dooley,

As current and former state legislators from across the nation, we each have sponsored or worked directly on the regulation of flame retardants out of concern for public health in our respective states.

After reading the recent four-part *Chicago Tribune* investigative series, "Playing With Fire," in which the deeply unethical and longstanding practices of three different chemical companies (Albemarle, Chemtura, and ICL Industries) were revealed, we are writing to urge you to expel these unethical manufacturers from your industry trade group. The deception practiced by these companies—and revealed by the *Chicago Tribune*—is completely unacceptable in our state legislatures. Some of the most egregious practices, like lying about the death of an infant girl, are abhorrent by any measure.

We understand that the ACC has specific tenets as an organization, including "to lead in ethical ways that increasingly benefit society, the economy and the environment." In addition, your principles specifically include "communicating forthrightly with governments and communities about chemical risks."

In each of our states, we have had specific and disturbing dealings with the flame retardant chemical industry that violate basic ethical behaviors and certainly would not be considered honest or "forthright communication with government."

The worst industry tactics outlined in the *Chicago Tribune* series—which we each saw some of firsthand in our states—included: deliberately misrepresenting the science around flame retardant chemicals relating to both their effectiveness and their health risks; employing an expert witness who repeatedly invoked a phony story of a child dying in a fire in order to justify flame retardant mandates; creating a front group called "Citizens for Fire Safety" to counter the opposition to flame retardants among firefighters and health organizations; and using racial profiling to mislead community leaders about the impacts of toxic flame retardant chemicals.

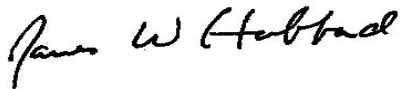
During the legislative debates on the flame retardant bills in our states, many of us as legislators were faced with public attacks from the industry front group "Citizens for Fire Safety," including significant paid television and newspaper ads. The message of those campaigns was that legislators were going to cause fires and threaten children. In some states, specific attacks were sent directly to the constituents of legislators who championed these bills. In nearly all of our debates

on this issue, our efforts to regulate certain fire retardants were supported by the International Association of Fire Fighters, the State Fire Chiefs organization in each state, and other fire safety professionals. And yet the industry continued its sham campaign.

Since we championed these bills, some of these same flame retardant companies have come forth and begun a voluntary phase-out of some of the products we sought to regulate. While we applaud these actions, it only makes the deceptive behavior we saw with our own eyes—and that the *Tribune* series revealed to the world—all the more disturbing. And we are especially concerned that the industry has covered up the hazards of the replacement chemicals rather than investing in truly safer alternatives.

We urge immediate action on the part of the ACC to live up to its own mission and address these behaviors.

Sincerely,



Delegate James Hubbard
Maryland House of Delegates
Assistant Majority Leader



Honorable Hannah Pingree
Former Speaker of the Maine House
& Safer Chemicals, Healthy Families



Senator Jackie Dingfelder, Oregon Senate
Environment & Natural Resources Chair



Senator Sandra L. Pappas
Minnesota Senate



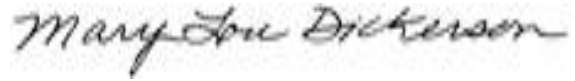
Assemblyman Robert Sweeney
Chair, Environmental Conservation
Committee, New York Assembly



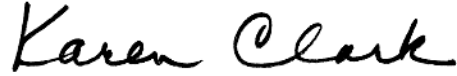
Speaker of the House Shap Smith
Vermont House of Representatives



State Representative Ross Hunter
Washington House



Representative Mary Lou Dickerson
Washington House



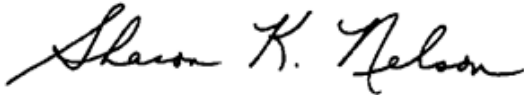
Representative Karen Clark
Minnesota House



Senator John Marty, Minnesota Senate



Representative Paul Holvey
Oregon House



Senator Sharon Nelson
Washington State Senate
Chair, Environment Committee



Senator Mark Hass, Oregon Senate



Representative Diana Urban
Connecticut House



Representative Sharon Treat
Maine House



Representative Mark Meadows,
Michigan House



Senator Phil Bartlett, Maine Senate



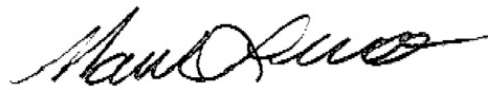
Senator Rebekah Warren,
Michigan Senate



Representative Carolyn Tomei
Oregon House



Honorable Deb Kennedy,
Former Michigan State Representative
Former Chair of House Committee on the
Great Lakes & the Environment



Senator Mark Leno
California Senate
Chair of the Senate Budget & Fiscal
Review Committee