



## Attorney General of New Mexico

**HECTOR H. BALDERAS**  
Attorney General

**ELIZABETH A. GLENN**  
Chief Deputy Attorney General

**March 17, 2015**  
*Via Fax and US Mail*

**Senator Tom Udall**  
United States Senate  
531 Hart Senate Office Building  
Washington, D.C. 20510

**Senator Martin Heinrich**  
United States Senate  
702 Hart Senate Office Building  
Washington, D.C. 20510

**Re: Frank R. Lautenberg Chemical Safety for the 21st Century Act**

**Dear Senators Udall and Heinrich:**

**Thank you for contacting me about the above-referenced Bill, introduced by Sen. Udall and co-sponsored by Sen. Heinrich, to amend the Toxic Substances Control Act. I know this has consumed a substantial amount of time and effort, has garnered impressive bipartisan support, and offers a meaningful tribute to years of dedicated work on the issue by your highly respected former colleague, the late Senator Frank R. Lautenberg. I am pleased and honored that you seek my review and input on this important legislation.**

**I requested a review based on the limited time available between your introduction of the Bill last week and its first scheduled Committee hearing tomorrow, Wednesday, March 18, 2015. Based upon our initial review, we believe the Bill proposes a positive breakthrough in long-stalled negotiations that can "fix a broken chemical regulatory program". It strengthens the law's key safety standard; mandates timely and effective reviews of new and existing chemicals; and emphasizes protections for the most vulnerable members of society: infants, children, pregnant women, workers and the elderly. Those are all highly commendable elements of your Bill.**

**I support our country adopting uniform federal standards for chemical safety that can apply throughout the land if the law also allows States to enforce those standards to protect public safety in our jurisdictions. My staff advises that they are concerned about preemption provisions in the bill**

that have been criticized because they do not preserve "the authority of States to . . . enforce federal restrictions under State law" and "allow States to enforce federal restrictions on chemicals." We would therefore appreciate clarification of that issue and, if appropriate, inclusion of language in the Bill to confirm the ability of States to protect public safety by enforcing federally adopted restrictions on chemicals.

Sincerely,

A handwritten signature in blue ink, appearing to read 'HB', with a long horizontal flourish extending to the right.

**HECTOR BALDERAS  
ATTORNEY GENERAL**