



The Web Site of The Sacramento Bee

This story is taken from [Sacbee](#) / [Politics](#).

---

## Dan Walters: It's chemical warfare in Capitol

By Dan Walters - [dwalters@sacbee.com](mailto:dwalters@sacbee.com)

Published 12:00 am PDT Wednesday, July 16, 2008

When Assemblyman Mark Leno was challenging Sen. Carole Migden's bid for a second term this year, one aspect of their campaigns was what one might term chemical warfare.

No, they weren't lobbying canisters of poison gas at each other, although the contest did get a bit nasty at times. They were, however, both carrying bills that would, if enacted, ban the use of certain chemicals in consumer products – clearly appealing to the naturalist, chemical-phobic sensibilities of voters in ever-trendy San Francisco and Marin County.

Leno, who won the Democratic primary duel, wants to prohibit two types of chemical fire retardants from being applied to furniture and bedding, having declared at one point that "We're poisoning our nation one sofa at a time."

Migden, meanwhile, proposes that bisphenol A (BPA), an additive used in manufacturing plastic products, be barred from baby bottles and other children's food containers, emulating Canada's ban.

The bills, Leno's Assembly Bill 706 and Migden's Senate Bill 1713, are emblematic of the Legislature's penchant for regulatory decrees on consumer products, based on what? Conclusive scientific evidence of looming harm, pressure from folks who dislike something for some reason, or merely a headline-grabbing crusade?

Some call them "nanny bills." Whatever the name, they are proliferating, as Monday's passage of a measure to ban "trans fats" from restaurant foods (but not, oddly enough, from foods prepared at home) attests. An Assembly committee analysis of Leno's measure put the syndrome this way:

"Increasingly, the Legislature is faced with measures dealing with the management of individual chemicals and/or products of concern to public health and safety and the environment... This seems to be leading policy makers away from a systematic analysis of threats to public health and safety and the environment.

"That is not to say that individual efforts are not warranted; there will always be the need and the ability to be able to remove harmful products and chemicals from the market in quick and efficient manner. However, what seems to be lacking is science-based front-end approach to chemical policy."

Almost any product, activity or lifestyle in a modern society (skydiving, unprotected sex or crossing the street, for instance) poses some kind of theoretical risk, which means that life is a series of choices between competing values and impulses.

Trans fats, for instance, were developed to allow vegetable oils to replace animal fat, such as lard, in foods on the assumption that they would be healthier, but recent research indicates that they have health effects of their own, especially in raising levels of so-called "bad cholesterol." But would banning them encourage restaurants to shift to even more questionable fats, such as palm oil, or return to lard? Potential consequences are rarely considered in the Capitol.

Leno's fire retardant bill has been especially nettlesome. Environmental groups and other supporters say the chemicals emit toxic fumes. Critics, including the state Department of Forestry and Fire Protection, say that banning the two chemicals listed in the bill could increase the danger posed by fires in mattresses and furniture.

The department said AB 707 "exacerbates fire danger ... without ensuring the existence and availability of suitable alternative fire retardants are as effective or more effective ..." and that California "could see an increase in the number and intensity of fires occurring in homes, hospitals, nursing-care facilities, workplaces, transportation and other motor vehicles."

It's a trade-off. And with the trans fat bill already on Gov. Arnold Schwarzenegger's desk and the Leno and Migden bills nearly there, he will have the last word.

Go to: [Sacbee](#) / [Back to story](#)

---

This article is protected by copyright and should not be printed or distributed for anything except personal use.  
The Sacramento Bee, 2100 Q St., P.O. Box 15779, Sacramento, CA 95852  
Phone: (916) 321-1000

[Copyright](#) © [The Sacramento Bee](#)