



# STATE OF MINNESOTA

## Office of Governor Tim Pawlenty

130 State Capitol ♦ 75 Rev. Dr. Martin Luther King Jr. Boulevard ♦ Saint Paul, MN 55155

May 13, 2008

The Honorable James Metzen  
President of the Senate  
322 State Capitol Building  
75 Rev. Dr. Martin Luther King Jr. Blvd.  
Saint Paul, Minnesota 55155

Dear President Metzen:

This letter is to clarify a portion of my veto message of May 12, 2008, regarding Chapter 301, Senate File 651, a bill banning flame retardants and certain other chemicals from products sold in Minnesota.

The veto message incorrectly stated that decabromodiphenyl ether (DECA) is used as a flame retardant in children's clothing. While DECA is used as a flame retardant in products such as furniture, consumer electronics, and commercial drapes, it is our understanding it is not used in children's clothing. We apologize for the error.

That misstatement does not alter the reasons for the veto. I vetoed the bill for two primary reasons: 1) Many studies regarding the impact of DECA do not support a ban; and 2) I believe our state agencies should review all available research and make a recommendation before moving forward with an outright ban.

My Administration is willing to work with the Legislature to craft legislation that will require the careful study of the science in this area and impose limitations on these compounds as appropriate.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Pawlenty".

Tim Pawlenty  
Governor

Senator James Metzen

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May 13, 2008

Cc: Senator Lawrence J. Pogemiller, Majority Leader  
Senator David Senjem, Minority Leader  
Senator John Marty  
Representative Margaret Anderson Kelliher, Speaker of the House  
Representative Marty Seifert, Minority Leader  
Representative Karen Clark  
Mr. Patrick E. Flahaven, Secretary of the Senate  
Mr. Al Mathiowetz, Chief Clerk of the House of Representatives  
Mr. Mark Ritchie, Secretary of State



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May 12, 2008

The Honorable James Metzen  
President, Minnesota Senate  
322 State Capitol  
St. Paul, MN 55155

Dear President Metzen:

I have vetoed and am returning Senate File 651, a bill banning flame retardants and certain other chemicals from products sold in Minnesota.

I am committed to supporting scientifically based processes to ensure that products manufactured and sold in Minnesota provide appropriate protections to public health. However, I am vetoing this bill because the prohibitions in the bill are not based on established science, and banning the use of flame retardants in children's clothing may increase burn injuries to children.

This legislation bans decabromodiphenyl ethers (DECA), a proven fire retardant, effective July 1, 2011. Flame retardants are used in a variety of products including products designed to protect children. Banning an effective flame retardant without assurances that safe and reasonable alternatives are in place is unwise public policy.

Although a recent study completed by the Minnesota Pollution Control Agency identified potential alternative flame retardants to DECA, the report did not conclude that a ban on DECA is sound public policy. Moreover, contrary to claims from the legislative backers of this bill, the DECA ban in this bill is not similar to action taken in Washington. That state has not initiated an outright ban on products with DECA. Rather, a ban is implemented only after suitable alternatives are identified. Such an approach would have been a wiser course here. I understand this approach was rejected by the bill authors. Even more significantly, the European Union has conducted more than 500 studies over 10 years and concluded that DECA does not pose any significant environmental or human health risk.

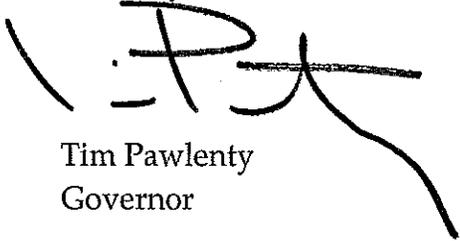
May 12, 2008

The availability and safety of such alternatives is not well known. Further study of DECA and the safety of alternatives to DECA should be conducted before a ban is implemented. This bill recognized the need for further study. However, it implemented an outright ban of an effective flame retardant before even considering the result of the research.

This bill also bans the sale of any children's products containing certain phthalates in a concentration of more than 0.1 percent. Again, the legislative mandate overreaches and goes beyond current scientific research. To my knowledge, no peer reviewed studies have concluded these products pose a significant risk to human health. Indeed, Israel recently repealed its phthalates ban after numerous studies showed that the science did not support the ban. While the European Union has a ban, it recently completed its risk assessment studies and concluded: "The end products containing diisonyl phthalate and the sources of exposure are unlikely to pose a risk for consumers following inhalation, skin contact and ingestion."

The issues of product safety and product availability are important and need to be based on science. I am willing to work with the Legislature that further studies and potentially limits or bans these chemicals, but such steps should be based on sound science.

Sincerely,



Tim Pawlenty  
Governor

Cc: Senator Lawrence J. Pogemiller, Majority Leader  
Senator David Senjem, Minority Leader  
Senator John Marty  
Representative Margaret Anderson Kelliher, Speaker of the House  
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