

March 18, 2019

The Honorable Bill Quirk  
State Capitol  
Sacramento, CA 95814

SUBJECT: AB 733 QUIRK – HAZARDOUS WASTE IDENTIFICATION: TESTING – **SUPPORT**

Dear Assemblymember Quirk:

I write to express our support for Assembly Bill 733, which seeks to implement a humane alternative to the State of California's aquatic toxicity test.

I respect and understand the need for the state's complex standards and regulations that identify and classify consumer products as "hazardous" and which are aimed at identifying products and chemicals that can cause harm to humans and other life forms when released into the environment. However, one of the tests required for classification, the aquatic toxicity test, is performed on live fish which we believe subjects these fish to unnecessary harm and cruelty.

Aquatic toxicity is measured by fish bioassay. A waste can be tested by this criterion by placing the material in a tank of water and introducing one of three fish species: fathead minnow, rainbow trout or golden shiners. A waste is determined to be hazardous if the majority of the fish have died after 96 hours of observation.

Any scientific experiment or test that is even remotely similar to California's aquatic toxicity test, which is performed on a live vertebrae animal forced to undergo something that is likely to cause them pain, suffering, distress or lasting harm is considered cruel and any product that is subject to this test could not be marketed as "cruelty-free." Alternatively, the Fish Embryo Test (FET), is utilized throughout the United States and Europe in a response to consumer outcry for "cruelty-free" products; and manufacturers have joined our advocacy efforts by adopting "cruelty-free" pledges and turning to humane testing alternatives throughout the world.

In its current form, to the extent that funds are available, this bill authorizes DTSC to evaluate whether both tests described above can be adapted to be appropriate for use in identifying substances as "hazardous waste" or "extremely hazardous waste." If the department finds that one or both tests can be adapted, the bill authorizes the use of each test found appropriate as an alternative to the fish mortality testing method.

I thank you for authoring this bill and respectfully request your colleagues in the legislature to vote "aye" on this important measure.

Sincerely,