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**Report to  
The Vermont Legislature**

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**A Report Concerning Implementation, Administration and Financing by  
Vermont Department of Health of the Requirements of 18 V.S.A. chapter 38A Regarding  
the Chemicals of High Concern to Children.**

**In Accordance with Act 188, 2013-2014 Session,  
*An Act Relating to the Regulation of Toxic Substances, Sec. 3,***

**Submitted to:** Senate Committee of Health and Welfare  
House Committee on Human Services  
House Committee on Ways and Means  
Senate Committee on Finance  
Senate and House Committees on Appropriations

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Vermont Department of Health

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**Report Date:** January 15, 2015



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chapter 38A Regarding the Chemicals of High Concern to Children.  
January 15, 2015**

## **Introduction**

This report outlines the needs of the Health Department to implement the new Chemical Disclosure Program required by legislation passed in 2013. The legislation asks for the Health Department to address eight topics, which are noted in italics below.

## **Body of Report**

*1. Any updates to the list of chemicals of high concern to children required under 18 V.S.A. § 1773.*

No updates to the list have been made.

*2. The number of manufacturers providing notice under 18 V.S.A. § 1775 regarding whether a children's product includes a chemical of high concern to children.*

No notices have been submitted as the reporting period has not opened. Notices are due by July 1, 2016.

*3. The number of chemicals of high concern to children for which manufacturers asserted trade secret protection for the specific identity of the chemical, and a recommendation of whether a process should be established to review the validity of asserted trade secrets.*

As no notices have been submitted, no manufacturers have asserted trade secret protection. The Department will review the need for a process for trade secrets during the rulemaking in the spring of 2015.

*4. An estimate of the annual cost to the Department of Health to implement the chemicals of high concern to children program.*

The estimated cost for FY 2016 is \$127,681, which is the salary of one full-time Chemical Disclosure Program Manager (\$99,632) and 25% of an IT specialist (\$28,049). The cost includes fringe and benefits.

Staff time includes: review of toxicity and exposure data for each chemical, establishment of the Practical Quantitation Limit for each chemical, website construction, database development and management, establishment of a business process for payments, outreach to manufacturers and stakeholders, legislative report preparation, and rule writing.

*5. The number of Department of health employees needed to implement the chemicals of high concern to children program.*

In order to implement the program, the Department needs a new position. The new position will be the full-time program manager for day-to-day activities of the Chemical Disclosure Program. The Department also needs 25% of time for an IT specialist to develop the websites for manufacturers to submit notices and to display the information on the Health Department website.

Existing resources will be utilized including the following: legal representative for rule writing; our State Toxicologist for technical questions, fact sheet development, rule writing, and IT support; business office support for payments and time coding.

*6. An estimate of additional funding that the Department may require to implement the chemicals of high concern to children program.*

Additional funding needed by the Department would come in the form of staff time needed to meet the requirements outlined in 18 V.S.A. § 1776(d) for the Commissioner to recommend regulation of sale or distribution of e children's product containing a chemical of high concern to children.

Fully answering this question is complex. The Department might require additional resources to and could consider hiring a temporary staff position to complete the research needed to answer this question. A temporary worker position for one-third of a year would cost \$7, 513.60.

*7. A recommendation of how the State should collaborate with other states in implementing the requirements of the chemicals of high concern to children program.*

Heath is collaborating with Washington State in order to transfer data from state to state. This will decrease the burden for manufacturers.

*8. A recommendation as to whether the requirements of this chapter should be expanded to consumer products other than children's products.*

The Department does not recommend extending the requirements of this chapter to consumer products at this time. The Department will have to evaluate notices and the state of the science that may support the inclusion of consumer products other than children's products over the coming two years. The Department may reevaluate this position in future once the program has been fully implemented.