



STATE OF VERMONT
SENATE COMMITTEE ON HEALTH AND
WELFARE

March 29, 2017

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Vermont Department of Health

We are writing regarding proposed amendments to rules implementing the Vermont Department of Health's Chemicals of High Concern in Children's Products Program (Children's Products Program).

On March 22, 2017, the Senate Committee on Health and Welfare (Committee) reviewed S.103, as introduced, which proposed amendments to the Children's Product Program. The Committee also reviewed a narrow amendment to S.103 offered by Senator Lyons. Senator Lyons's amendment proposed requiring a manufacturer of a children's product that contains a chemical of high concern to report the product's name and universal product code (UPC) when submitting the notice required under the Children's Products Program.

In testimony on March 22, 2017, you stated that the Department of Health was preparing to propose amendments to the Chemicals of High Concern in Children's Products Rule. You stated that the proposed amendments would include a requirement that a manufacturer submit the product name and UPC for a children's product containing a chemical of high concern. Representatives of children's products manufacturers also testified that they preferred that the requirement to submit a product name or UPC be included in the rule and not in statute.

The Senate Committee on Health and Welfare strongly supports the Department's proposal to require submission by a manufacturer of the product name and UPC. The policy of the Children's Products Program is, in part, to protect public health by reducing exposure of vulnerable populations, such as children, to toxic chemicals. Requiring submission of product name or UPC allows an average consumer to determine if a product presents a risk of exposure to a child. Thus, submission of the product name and UPC is consistent with the General Assembly's intent for the enactment of the Children's Products Program.

In addition, when the General Assembly enacted the Children's Products Program, it provided the Department with statutory authority to require a manufacturer to submit the product name and UPC for a children's product containing a chemical of high concern. 18 V.S.A. § 1775(b)(6) authorizes the Department to require by rule any information required by the Commissioner. The Department previously utilized this authority to require submission of information not otherwise required in statute. Requiring the product name and UPC would be consistent with the prior exercise of the authority under 18 V.S.A. § 1775(b)(6).

The Senate Committee applauds the Department for its implementation and administration of the Children's Products Program. The Department created a truly useful tool for educating Vermont citizens about the presence of toxic chemicals in children's products. Requiring submission of the product name and UPC for a children's product containing a chemical of high concern will only strengthen the Program and make it a more effective tool for the average consumer to use in identifying toxic chemicals. We encourage the Department to exercise its statutory authority to adopt these requirements by rule as soon as practicable.

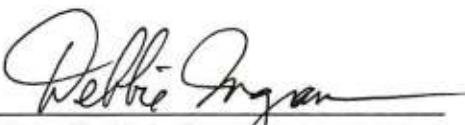
If you need additional information, please feel free to contact any member of the Committee or Michael O'Grady in the Office of Legislative Council.

Sincerely,


Sen. Claire Ayer, Chair


Sen. Ginny Lyons, Vice Chair


Sen. Ann Cummings


Sen. Debbie Ingram


Sen. Richard McCormack