

MEMORANDUM

TO: Senate Health and Welfare Committee

FROM: David Englander, Senior Policy and Legal Advisor

DATE: January 23, 2018

SUBJECT: S.103, An act relating to the regulation of toxic substances and hazardous materials

Concerning the Chemicals of High Concern to Children section, the Department urges caution. Act 188 (2014) requires that manufacturers of children's product disclose to the Department, whether that product contains any of the 66 chemicals listed in the law, and others that may be added to that list by rule. The law also directs the Commissioner of Health to provide to the Working Groups no fewer than two listed chemicals every year for review to determine whether that chemical should be labeled or banned from sale in children's consumer products in Vermont.

The law also requires that the Department adopt a rule, or rules, that describe how that information shall be submitted to the Department. In addition, the Department must build an IT infrastructure that allows manufacturers to report, and consumers to access that information. While it took Washington State eight years to get such a program up and running, it took Vermont only two and a half years. Manufacturers started reporting on January 1, 2017. The Working Group met for the first time in July of 2017.

This is all to say, we are at the very beginning stages of this program. The proposed changes to the Chapter concerning the standards for listing disturb what has not yet even been tested or been found faulty.

The Department submits that there is a common understanding of what is intended by the original Act and requests that the process be allowed to proceed as originally envisioned.

I want to be clear, the Administration continues to support the bill as it originally passed the Senate with the modifications taking into account the Governor's actions creating the Interagency Committee on Chemical Management.

