

1 TO THE HONORABLE SENATE:

2 The Committee on Natural Resources and Energy to which was referred  
3 Senate Bill No. 103 entitled “An act relating to the regulation of toxic  
4 substances and hazardous materials” respectfully reports that it has considered  
5 the same and recommends that the bill be amended by striking out all after the  
6 enacting clause and inserting in lieu thereof the following:

7 \* \* \* Toxics Use Reduction and Reporting\* \* \*

8 Sec. 1. 10 V.S.A. § 6633 is added to read:

9 § 6633. INTERAGENCY COMMITTEE ON CHEMICAL MANAGEMENT

10 (a) Creation. There is created the Interagency Committee on Chemical  
11 Management in the State to:

12 (1) evaluate chemical inventories in the State on an annual basis;

13 (2) identify potential risks to human health and the environment from  
14 chemical inventories in the State; and

15 (3) propose measures or mechanisms to address the identified risks from  
16 chemical inventories in the State.

17 (b) Membership. The Interagency Committee on Chemical Management  
18 shall be composed of the following five members:

19 (1) the Secretary of Agriculture, Food and Markets or designee;

20 (2) the Secretary of Natural Resources or designee;

21 (3) the Commissioner of Health or designee;

1           (4) the Commissioner of Labor or designee; and

2           (5) the Commissioner of Public Safety or designee.

3           (c) Powers and duties. The Interagency Committee on Chemical  
4 Management shall:

5           (1) Convene a citizen advisory panel to provide input and expertise to  
6 the Committee. The citizen advisory panel shall consist of persons with  
7 expertise in:

8                   (A) toxicology;

9                   (B) environmental law;

10                  (C) manufacturing products;

11                  (D) environmental health;

12                  (E) public health;

13                  (F) risk analysis;

14                  (G) maternal and child health care;

15                  (H) occupational health;

16                  (I) industrial hygiene;

17                  (J) public policy;

18                  (K) the operation of academic institutions; and

19                  (L) retail sales.

20           (2) Monitor actions taken by the U.S. Environmental Protection Agency  
21 (EPA) to regulate chemicals under the Toxic Substances Control Act,

1 15 U.S.C. chapter 53, and notify relevant State agencies of any EPA action  
2 relevant to the jurisdiction of the agency.

3 (3) Annually review chemical inventories in the State in relation to  
4 emerging scientific evidence in order to identify chemicals of high concern not  
5 regulated by the State.

6 (d) Assistance. The Interagency Committee on Chemical Management  
7 shall have the administrative, technical, and legal assistance of the Agency of  
8 Natural Resources; the Agency of Agriculture, Food and Markets; the  
9 Department of Health; the Department of Public Safety; and the Department  
10 of Labor.

11 (e) Report. On or before January 15, and annually thereafter, the  
12 Interagency Committee on Chemical Management shall report to the Senate  
13 Committees on Natural Resources and Energy; on Health and Welfare; and on  
14 Economic Development, Housing and General Affairs and the House  
15 Committees on Natural Resources, Fish and Wildlife; on Health Care; and on  
16 Commerce and Economic Development regarding the actions of the  
17 Committee. The provisions of 2 V.S.A. § 20(d) regarding expiration of  
18 required reports shall not apply to the report to be made under this section.

19 The report shall include:

20 (1) an estimate or summary of the known chemical inventories in the  
21 State;

1           (2) a summary of any change under federal statute or rule affecting the  
2           regulation of chemicals in the State;

3           (3) recommended legislative or regulatory action to address the risks  
4           posed by new or emerging chemicals of high concern; and

5           (4) recommend legislative or regulatory action to reduce health risks  
6           from exposure to chemicals of high concern and reduce risks of harm to the  
7           natural environment.

8           (f) Meetings.

9           (1) The Secretary of Natural Resources shall be the chair of the  
10           Interagency Committee on Chemical Management.

11           (2) The Secretary of Natural Resources call the first meeting of the  
12           Interagency Committee on Chemical Management to occur on or before July 1,  
13           2017.

14           (3) A majority of the membership of the Interagency Committee on  
15           Chemical Management shall constitute a quorum.

16           (g) Authority of agencies. The establishment of the Interagency  
17           Committee on Chemical Management shall not limit the independent authority  
18           of a State agency to regulate chemical use or management under existing State  
19           or applicable federal law.

1       Sec. 2. INTERAGENCY COMMITTEE ON CHEMICAL MANAGEMENT;  
2                   REPORT ON TOXIC USE REDUCTION AND REPORTING

3           On or before January 15, 2018, after consultation with the citizen advisory  
4 panel and as part of the first report required under 10 V.S.A. § 6633(e), the  
5 Interagency Committee on Chemical Management shall:

6           (1) Recommend how the State shall establish a centralized or unified  
7 electronic reporting system to facilitate compliance by businesses and other  
8 entities with chemical reporting and other regulatory requirements in the State.

9           The recommendation shall:

10           (A) identify a State agency or department to establish and administer  
11 the reporting system;

12           (B) estimate the staff and funding necessary to administer the  
13 reporting system;

14           (C) propose how businesses and the public can access information  
15 submitted to or maintained as part of the reporting systems, including whether  
16 access to certain information or categories of information should be limited due  
17 to statutory requirements, regulatory requirements, trade secret protection, or  
18 other considerations;

19           (D) propose how information maintained as part of the reporting  
20 system can be accessed, including whether the information should be  
21 searchable by: chemical name, common name, brand name, product model,

1 Global Product Classification (GPC) product brick description, standard  
2 industrial classification, chemical facility, geographic area, zip code, or  
3 address;

4 (E) propose how manufacturers of consumer products or subsets of  
5 consumer products shall report or notify the State of the presence of designated  
6 chemicals of concern in a consumer product and how information reported by  
7 manufacturers is made available to the public;

8 (F) propose a method for displaying information or filtering or  
9 refining search results so that information maintained on the reporting system  
10 can be accessed or identified in serviceable or functional manner for all users  
11 of the system, including governmental agencies or departments, commercial  
12 and industrial businesses reporting to the system, nonprofit associations, and  
13 citizens; and

14 (G) estimate a time line for establishment of the reporting system.

15 (2) Recommend statutory amendments and regulatory revisions to  
16 existing State recordkeeping and reporting requirements for chemicals,  
17 hazardous materials, and hazardous wastes in order to facilitate assessment of  
18 risks to human health and the environment posed by the use of chemicals in the  
19 State. The recommendations shall include:

1           (A) the thresholds or amounts of chemicals used, manufactured, or  
2           distributed, and hazardous materials and hazardous wastes generated or  
3           managed, in the State that require recordkeeping and reporting;

4           (B) the persons or entities using, manufacturing, or distributing  
5           chemicals and generating or managing hazardous materials and hazardous  
6           wastes that are subject to recordkeeping and reporting requirements; and

7           (C) any changes required to streamline and modernize existing  
8           recordkeeping and reporting requirements to facilitate compliance by business  
9           and other entities.

10           (3) Recommend amendments to the requirements for Toxic Use  
11           Reduction and Hazardous Waste Reduction under 10 V.S.A. chapter 159,  
12           subchapter 2 that shall include:

13           (A) The list of chemicals or materials subject to the reporting and  
14           planning requirements. The list of chemicals or materials shall include and be  
15           in addition to the chemicals or substances listed under Title III, Section 313 of  
16           the Superfund Amendments and Reauthorization Act of 1986 and 18 V.S.A.  
17           § 1773 (chemicals of high concern to children).

18           (B) The thresholds or amounts of chemicals used or hazardous waste  
19           generated by a person that require reporting and planning.

20           (C) The information to be reported, including:

1                   (i) the quantity of hazardous waste generated and the quantity of  
2                   hazardous waste managed during a year;

3                   (ii) the quantity of toxic substances, or raw material resulting in  
4                   hazardous waste, used during a year;

5                   (iii) an assessment of the effect of each hazardous waste reduction  
6                   measure and toxics use reduction measure implemented; and

7                   (iv) a description of factors during a year that have affected toxics  
8                   use, hazardous waste generation, releases into the environment, and onsite and  
9                   offsite hazardous waste management.

10                  (D) The persons or entities using chemicals or generating hazardous  
11                  waste that are subject to reporting and planning;

12                  (E) Proposed revisions to the toxic chemical or hazardous waste  
13                  reduction planning requirements, including conditions or criteria that qualify a  
14                  person to complete a plan.

15                  (F) Any changes to streamline and modernize the program to improve  
16                  its effectiveness.

17                  (4) Draft legislation to implement the Committee’s recommendations  
18                  under subdivisions (1), (2), and (3) of this section.



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\* \* \* Testing Groundwater \* \* \*

Sec. 3. 10 V.S.A. § 1982 is added to read:

§ 1982. TESTING OF GROUNDWATER SOURCES

(a) Definition. As used in this section, “groundwater source” means that portion of a potable water supply that draws water from the ground, including a drilled well, shallow well, driven well point, or spring.

(b) Testing prior to new use. Prior to use of a new groundwater source as a potable water supply, where testing is not otherwise required, the person who owns or controls the groundwater source shall test the groundwater source for the parameters set forth in subsection (d) of this section.

(c) Parameters of testing. A water sample collected under this section shall be analyzed for, at a minimum: arsenic, lead, uranium, gross alpha radiation, total coliform bacteria, total nitrate and nitrite, fluoride, manganese, and any other parameters required by the Agency by rule. The Agency by rule may require testing for a parameter by region or specific geographic area of concern.

(d) Submission of test results. Results of the testing required under subsection (b) shall be submitted, on a form provided by the Agency, to the Agency, and the Department of Health as required by rules adopted under subsection (e) of this section.

1       (e) Rulemaking. The Secretary, after consultation with the Department of  
2       Health, the Wastewater and Potable Water Supply Technical Advisory  
3       Committee, private laboratories, and other interested parties, shall adopt by  
4       rule requirements regarding:

5               (1) when, prior to use of a new groundwater source, the test required  
6       under subsection (b) of this section shall be conducted;

7               (2) who shall be authorized to sample the source for the test required  
8       under subsections (b) and (c) of this section, provided that the rule shall  
9       include the person who owns or controls the groundwater source and licensed  
10       well drillers among those authorized to conduct the test;

11               (3) how a water sample shall be collected in order to comply with the  
12       requirements of the analyses to be performed; and

13               (4) any other requirements necessary to implement this section.

14       Sec. 4. AGENCY OF NATURAL RESOURCES; GROUNDWATER  
15               SOURCE TESTING

16       The Secretary of Natural Resources shall commence rulemaking under  
17       10 V.S.A. § 1982 on or before July 1, 2017. The Secretary shall adopt rules  
18       under 10 V.S.A. § 1982 on or before January 1, 2018.

19       Sec. 5. 18 V.S.A. § 501b is amended to read:

20       § 501b. CERTIFICATION OF LABORATORIES

1 (a) The ~~commissioner~~ Commissioner may certify a laboratory that meets  
2 the standards currently in effect of the National Environmental Laboratory  
3 Accreditation Conference and is accredited by an approved National  
4 Environmental Laboratory Accreditation Program accrediting authority or its  
5 equivalent to perform the testing and monitoring:

6 (1) required under 10 V.S.A. chapter 56 and the federal Safe Drinking  
7 Water Act; and

8 (2) of water from a potable water supply, as that term is defined in  
9 10 V.S.A. § 1972(6).

10 (b)(1) The ~~commissioner~~ Commissioner may by order suspend or revoke a  
11 certificate granted under this section, after notice and opportunity to be heard,  
12 if the ~~commissioner~~ Commissioner finds that the certificate holder has:

13 (A) submitted materially false or materially inaccurate  
14 information; or

15 (B) violated any material requirement, restriction, or condition of the  
16 certificate; or

17 (C) violated any statute, rule, or order relating to this title.

18 (2) The order shall set forth what steps, if any, may be taken by the  
19 certificate holder to relieve the holder of the suspension or enable the  
20 certificate holder to reapply for certification if a previous certificate has been  
21 revoked.

1 (c) A person may appeal the suspension or revocation of the certificate to  
2 the ~~board~~ Board under section 128 of this title.

3 \* \* \*

4 (f) A laboratory certified to conduct testing of groundwater sources or  
5 water supplies from under 10 V.S.A. § 1982 or other statute for use by a  
6 potable water supply, as that term is defined in 10 V.S.A. § 1972(6), shall  
7 submit the results of groundwater analyses to the ~~department of health~~  
8 Department of Health and the ~~agency of natural resources~~ Agency of Natural  
9 Resources in a format required by the ~~department of health~~ Department of  
10 Health.

11 \* \* \* Effective Dates \* \* \*

12 Sec. 6. EFFECTIVE DATES

13 (a) This section and Secs. 1 (Interagency Committee on Chemical  
14 Management), 2 (report on toxic use reduction and reporting), and 4  
15 (groundwater testing rulemaking) shall take effect on passage.

16 (b) All other sections shall take effect on July 1, 2018, except that  
17 10 V.S.A. § 1982(f) in Sec. 3 shall take effect on passage.

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19  
20 (Committee vote: \_\_\_\_\_)

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Senator \_\_\_\_\_

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FOR THE COMMITTEE