

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

S.55

Introduced by Senators Lyons, Campion, Balint, Bray, Cummings, Ingram,  
McCormack, Pearson, Pollina, and Sears

Referred to Committee on

Date:

Subject: Environmental health; toxic substances; chemicals of high concern to  
children

Statement of purpose of bill as introduced: This bill proposes to establish an  
Interagency Committee on Chemical Management to evaluate chemical  
inventories in the State and identify potential risks from the inventories. The  
bill would require a manufacturer of a children's product containing a chemical  
of high concern to children (CHCC) to report the brand name, product model,  
and available universal product code of a product. The Commissioner of  
Health would be authorized to add a chemical to the CHCC list on the basis of  
independent, peer-reviewed scientific research. The bill would allow the  
Commissioner of Health by rule to restrict the sale of or require the labeling of  
a children's product containing a CHCC after consultation with the Working  
Group, instead of upon recommendation of the Working Group. The bill  
would authorize the Commissioner of Health to restrict the sale or require  
labeling of a children's product with a CHCC if the Commissioner determines  
children may be exposed to a CHCC in the product.

1 An act relating to the regulation of toxic substances and hazardous materials

2 It is hereby enacted by the General Assembly of the State of Vermont:

3 \* \* \* Toxics Use Reduction and Reporting \* \* \*

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

5 § 6633. INTERAGENCY COMMITTEE ON CHEMICAL MANAGEMENT

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

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

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

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

13 (b) Membership. The Interagency Committee on Chemical Management  
14 shall be composed of the following eight members:

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

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

17 (3) the Commissioner of Health or designee;

18 (4) the Commissioner of Labor or designee;

19 (5) the Commissioner of Public Safety or designee;

20 (6) the Secretary of Commerce and Community Development or  
21 designee;

1           (7) the Commissioner of Information and Innovation, or the  
2           Commissioner of the successor department, or designee;

3           (8) the Secretary of Transportation or designee.

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

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

9           (A) toxicology;

10          (B) environmental law;

11          (C) manufacturing products;

12          (D) environmental health;

13          (E) public health;

14          (F) risk analysis;

15          (G) maternal and child health care;

16          (H) occupational health;

17          (I) industrial hygiene;

18          (J) public policy;

19          (K) chemical management by academic institutions;

20          (L) retail sales; and

1           (M) development and administration of information reporting  
2           technology or databases.

3           (2) Monitor actions taken by the U.S. Environmental Protection Agency  
4           (EPA) to regulate chemicals under the Toxic Substances Control Act,  
5           15 U.S.C. chapter 53, and notify relevant State agencies of any EPA action  
6           relevant to the jurisdiction of the agency.

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

10          (d) Assistance. The Interagency Committee on Chemical Management  
11          shall have the administrative, technical, and legal assistance of the Agency of  
12          Natural Resources; the Agency of Agriculture, Food and Markets; the  
13          Department of Health; the Department of Public Safety; the Department  
14          of Labor; the Agency of Commerce and Community Development; and the  
15          Department of Information and Innovation. The Interagency Committee on  
16          Chemical Management shall have the assistance of the Office of Legislative  
17          Council for legislative drafting and the assistance of the Joint Fiscal Office for  
18          the fiscal and economic analyses.

19          (e) Report. On or before January 15, and annually thereafter, the  
20          Interagency Committee on Chemical Management shall report to the Senate  
21          Committees on Natural Resources and Energy; on Health and Welfare; and on

1 Economic Development, Housing and General Affairs and the House  
2 Committees on Natural Resources, Fish, and Wildlife; on Human Services; and  
3 on Commerce and Economic Development regarding the actions of the  
4 Committee. The provisions of 2 V.S.A. § 20(d) regarding expiration of  
5 required reports shall not apply to the report to be made under this section.

6 The report shall include:

7 (1) an estimate or summary of the known chemical inventories in the  
8 State, as determined by metrics or measures established by the Committee;

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

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

13 (4) recommended legislative or regulatory action to reduce health risks  
14 from exposure to chemicals of high concern and reduce risks of harm to the  
15 natural environment.

16 (f) Meetings.

17 (1) The Secretary of Natural Resources shall be the Chair of the  
18 Interagency Committee on Chemical Management.

19 (2) The Secretary of Natural Resources shall call the first meeting of the  
20 Interagency Committee on Chemical Management to occur on or before July 1,  
21 2019.

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

3           (4) The Interagency Committee on Chemical Management shall meet no  
4           more than four times in a calendar year.

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

9           Sec. 2. INTERAGENCY COMMITTEE ON CHEMICAL MANAGEMENT;

10           REPORT ON TOXIC USE REDUCTION AND REPORTING

11           On or before January 15, 2020, after consultation with the citizen advisory  
12           panel and as part of the first report required under 10 V.S.A. § 6633(e), the  
13           Interagency Committee on Chemical Management shall:

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

17           The recommendation shall:

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

20           (B) estimate the staff and funding necessary to administer the  
21           reporting system;

1           (C) propose how businesses and the public can access information  
2           submitted to or maintained as part of the reporting systems, including whether  
3           access to certain information or categories of information should be limited due  
4           to statutory requirements, regulatory requirements, trade secret protection, or  
5           other considerations;

6           (D) propose how information maintained as part of the reporting  
7           system can be accessed, including whether the information should be  
8           searchable by: chemical name, common name, brand name, product model,  
9           Global Product Classification (GPC) product brick description, standard  
10          industrial classification, chemical facility, geographic area, zip code, or  
11          address;

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

16          (F) propose a method for displaying information or filtering or  
17          refining search results so that information maintained on the reporting system  
18          can be accessed or identified in a serviceable or functional manner for all users  
19          of the system, including governmental agencies or departments, commercial  
20          and industrial businesses reporting to the system, nonprofit associations, and  
21          citizens; and

1           (G) estimate a timeline for establishment of the reporting system.

2           (2) Recommend statutory amendments and regulatory revisions to  
3 existing State record keeping and reporting requirements for chemicals,  
4 hazardous materials, and hazardous wastes in order to facilitate assessment of  
5 risks to human health and the environment posed by the use of chemicals in the  
6 State. The recommendations shall include:

7           (A) the thresholds or amounts of chemicals used, manufactured, or  
8 distributed, and hazardous materials and hazardous wastes generated or  
9 managed in the State that require record keeping and reporting;

10          (B) the persons or entities using, manufacturing, or distributing  
11 chemicals and generating or managing hazardous materials and hazardous  
12 wastes that are subject to record keeping and reporting requirements; and

13          (C) any changes required to streamline and modernize existing record  
14 keeping and reporting requirements to facilitate compliance by businesses and  
15 other entities.

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

19          (A) The list of chemicals or materials subject to the reporting and  
20 planning requirements. The list of chemicals or materials shall include and be  
21 in addition to the chemicals or substances listed under Title III, Section 313 of



1 the Superfund Amendments and Reauthorization Act of 1986 and 18 V.S.A.  
2 § 1773 (chemicals of high concern to children).

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

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

6 (i) the quantity of hazardous waste generated and the quantity of  
7 hazardous waste managed during a year;

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

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

12 (iv) a description of factors during a year that have affected toxics  
13 use, hazardous waste generation, releases into the environment, and on-site and  
14 off-site hazardous waste management.

15 (D) The persons or entities using chemicals or generating hazardous  
16 waste that are subject to reporting and planning.

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

20 (F) Any changes to streamline and modernize the program to improve  
21 its effectiveness.

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

3                           \* \* \* Chemicals of High Concern to Children \* \* \*

4           Sec. 3. 18 V.S.A. § 1775(b) is amended to read:

5           (b) Format for notice. The Commissioner shall specify the format for  
6           submission of the notice required by subsection (a) of this section, provided  
7           that the required format shall be generally consistent with the format for  
8           submission of notice in other states with requirements substantially similar to  
9           the requirements of this section. Any notice submitted under subsection (a)  
10          shall contain the following information:

11           (1) the name of the chemical used or produced and its chemical abstracts  
12          service registry number;

13           (2) a description of the product or product component containing the  
14          chemical, including the brand name, the product model, and the universal  
15          product code if the product has such a code;

16           (3) the amount of the chemical contained in each unit of the product or  
17          product component, reported by weight or parts per million as authorized by  
18          the Commissioner;

19           (4) the name and address of the manufacturer of the children's product  
20          and the name, address, and telephone number of a contact person for the  
21          manufacturer;

1 (5) any other information the manufacturer deems relevant to the  
2 appropriate use of the product; and

3 (6) any other information required by the Commissioner under rules  
4 adopted pursuant to 3 V.S.A. chapter 25.

5 Sec. 4. 18 V.S.A. § 1776 is amended to read:

6 § 1776. RULEMAKING; ADDITIONAL CHEMICALS OF CONCERN TO  
7 CHILDREN; PROHIBITION OF SALE

8 \* \* \*

9 (b) Additional chemicals of concern to children. The Commissioner may  
10 by rule add additional chemicals to the list of chemicals of high concern to  
11 children, provided that the Commissioner of Health, on the basis of ~~the weight~~  
12 ~~of credible~~ independent, peer-reviewed, scientific ~~evidence~~ research,  
13 ~~determined~~ determines that a chemical proposed for addition to the list meets  
14 both of the following criteria in subdivisions (1) and (2) of this subsection:

15 (1) The Commissioner of Health has determined that an authoritative  
16 governmental entity or accredited research university has demonstrated that the  
17 chemical:

18 (A) harms the normal development of a fetus or child or causes other  
19 developmental toxicity;

20 (B) causes cancer, genetic damage, or reproductive harm;

21 (C) disrupts the endocrine system;

1 (D) damages the nervous system, immune system, or organs or  
2 causes other systemic toxicity; or

3 (E) is a persistent bioaccumulative toxic.

4 (2) The chemical has been found through:

5 (A) biomonitoring to be present in human blood, umbilical cord  
6 blood, breast milk, urine, or other bodily tissues or fluids;

7 (B) sampling and analysis to be present in household dust, indoor air,  
8 drinking water, or elsewhere in the home environment; or

9 (C) monitoring to be present in fish, wildlife, or the natural  
10 environment.

11 \* \* \*

12 (d) Rule to regulate sale or distribution.

13 (1) The Commissioner, ~~upon the recommendation of~~ after consultation  
14 with the Chemicals of High Concern to Children Working Group, may adopt a  
15 rule to regulate the sale or distribution of a children's product containing a  
16 chemical of high concern to children upon a determination that:

17 ~~(A) children will~~ may be exposed to a chemical of high concern to  
18 children in the children's product; ~~and~~

19 ~~(B) there is a probability that, due to the degree of exposure or~~  
20 ~~frequency of exposure of a child to a chemical of high concern to children in a~~

1 ~~children's product, exposure could cause or contribute to one or more of the~~  
2 ~~adverse health impacts listed under subdivision (b)(1) of this section.~~

3 (2) In determining whether children ~~will~~ may be exposed to a chemical  
4 of high concern in a children's product, the Commissioner shall review  
5 available, credible information regarding:

6 (A) the market presence of the children's product in the State;

7 (B) the type or occurrence of exposures to the relevant chemical of  
8 high concern to children in the children's product;

9 (C) the household and workplace presence of the children's  
10 product; or

11 (D) the potential ~~and frequency~~ of exposure of children to the  
12 chemical of high concern to children in the children's product.

13 (3) A rule adopted under this section may:

14 (A) prohibit the children's product containing the chemical of high  
15 concern to children from sale, offer for sale, or distribution in the State; or

16 (B) require that the children's product containing the chemical of  
17 high concern to children be labeled prior to sale, offer for sale, or distribution  
18 in the State.

19 (4) In any rule adopted under this subsection, the Commissioner shall  
20 adopt reasonable time frames for manufacturers, distributors, and retailers to  
21 comply with the requirements of the rules. No prohibition on sale or

1 manufacture of a children's product in the State shall take effect sooner than  
2 two years after the adoption of a rule adopted under this section unless the  
3 Commissioner determines that an earlier effective date is required to protect  
4 human health and the new effective date is established by rule.

5 (5) The Chemicals of High Concern to Children Working Group may, at  
6 its discretion, submit to the House Committees on Natural Resources, Fish, and  
7 Wildlife and on Human Services and the Senate Committees on Natural  
8 Resources and Energy and on Health and Welfare the recommendations or  
9 information from a consultation provided to the Commissioner under  
10 subdivision (1) of this subsection.

11 \* \* \*

12 \* \* \* Effective Dates \* \* \*

13 Sec. 5. EFFECTIVE DATES

14 (a) This section and Secs. 1 (Interagency Committee on Chemical  
15 Management) and 2 (report on toxic use reduction and reporting) shall take  
16 effect on passage.

17 (b) All other sections shall take effect on July 1, 2019.