

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Human Services to which was referred Senate Bill No.
3 55 entitled “An act relating to the regulation of toxic substances and hazardous
4 materials” respectfully reports that it has considered the same and recommends
5 that the House propose to the Senate that the bill be amended by striking out
6 Secs. 3–5 and their reader assistance headings in their entirety and inserting
7 in lieu thereof ~~new~~ Secs. 3–8 and their reader assistance headings to read as
8 follows:

9 * * * Chemicals of High Concern to Children * * *

10 Sec. 3. 18 V.S.A. § 1774 is amended to read:

11 § 1774. CHEMICALS OF HIGH CONCERN TO CHILDREN WORKING
12 GROUP

13 (a) Creation. The Chemicals of High Concern to Children Working Group
14 (Working Group) is created within the Department of Health for the purpose of
15 providing the Commissioner of Health advice and recommendations regarding
16 implementation of the requirements of this chapter.

17 * * *

18 (c) Powers and duties. The Working Group shall:

19 (1) ~~upon the request of the Chair of the Working Group,~~ review
20 proposed chemicals for listing as a chemical of high concern to children under
21 section 1773 of this title; and

1 (2) recommend to the Commissioner of Health whether rules should be
2 adopted under section 1776 of this title to regulate the sale or distribution of a
3 children’s product containing a chemical of high concern to children.

4 (d) Commissioner of Health recommendation; assistance.

5 (1) Beginning on July 1, 2017, and biennially thereafter, the
6 Commissioner of Health shall recommend at least two chemicals of high
7 concern to children in children’s products for review by the Working Group.
8 The Commissioner’s recommendations shall be based on the degree of human
9 health risks, exposure pathways, and impact on sensitive populations presented
10 by a chemical of high concern to children.

11 (2) The Working Group shall have the administrative, technical, and
12 legal assistance of the Department of Health and the Agency of Natural
13 Resources.

14 (e) Meetings.

15 (1) The Chair of the Working Group may convene the Working Group
16 at any time, **but no less frequently than at least once every other twice a year.**

17 (2) A majority of the members of the Working Group, including adjunct
18 members when appointed, shall constitute a quorum, and all action shall be
19 taken upon a majority vote of the members present and voting.

20 (f) Reimbursement. Members of the Working Group, including adjunct
21 members, whose participation is not supported through their employment or

1 association shall receive per diem compensation pursuant to 32 V.S.A. § 1010
2 and reimbursement of travel expenses. A per diem authorized by this section
3 shall be paid from the budget of the Department of Health.

4 Sec. 4. 18 V.S.A. § 1775 is amended to read:

5 § 1775. DISCLOSURE OF INFORMATION ON CHEMICALS OF HIGH
6 CONCERN

7 * * *

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

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

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

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

1 (4) the name and address of the manufacturer of the children’s product
2 and the name, address, and telephone number of a contact person for the
3 manufacturer;

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

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

8 * * *

9 (l) Submission of notice; dates. Unless the Commissioner adopts by rule a
10 phased-in reporting requirement under section 1776 of this title, a
11 manufacturer shall submit the notice required under subsection (a) of this
12 section ~~by:~~

13 ~~(1) January 1, 2017; and~~

14 ~~(2) August 31, 2018, and biennially on or before August 31, 2020 and~~
15 ~~annually thereafter.~~

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

17 § 1776. RULEMAKING; ADDITIONAL CHEMICALS OF CONCERN TO
18 CHILDREN; PROHIBITION OF SALE

19 * * *

20 (b) Additional chemicals of concern to children. The Commissioner may
21 by rule add additional chemicals to the list of chemicals of high concern to

1 children, provided that the Commissioner of Health, on the basis of the weight
2 of credible, scientific evidence, including peer-reviewed studies, has
3 determined that a chemical proposed for addition to the list meets both of the
4 following criteria in subdivisions (1) and (2) of this subsection:

5 (1) The Commissioner of Health has determined that an authoritative
6 governmental entity or accredited research university has demonstrated that the
7 chemical:

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

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

11 (C) disrupts the endocrine system;

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

14 (E) is a persistent bioaccumulative toxic.

15 (2) The chemical has been found through:

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

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

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

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(d) Rule to regulate sale or distribution.

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

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

(B) there is a probability that, due to the degree of exposure or frequency of exposure of a child to a chemical of high concern to children in a children’s product, exposure could cause or contribute to one or more of the adverse health impacts listed under subdivision (b)(1) of this section.

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

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

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

(C) the household and workplace presence of the children’s product; or

1 (D) the potential and **frequency likelihood** of exposure of children to
2 the chemical of high concern to children in the children's product.

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

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

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

9 (4) In any rule adopted under this subsection, the Commissioner shall
10 adopt reasonable time frames for manufacturers, distributors, and retailers to
11 comply with the requirements of the rules. No prohibition on sale or
12 manufacture of a children's product in the State shall take effect sooner than
13 two years after the adoption of a rule adopted under this section unless the
14 Commissioner determines that an earlier effective date is required to protect
15 human health and the new effective date is established by rule.

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

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(f) Additional rules.

(1) ~~On or before July 1, 2017, the~~ The Commissioner of Health shall adopt by rule the process and procedure to be required when the Commissioner of Health adopts a rule under subsection (b), (c), or (d) of this section. The rule shall provide:

(A) all relevant criteria for evaluation of the chemical;

(B) criteria by which a chemical, due to its presence in the environment or risk of harm, shall be prioritized for addition or removal from the list of chemicals of high concern to children or for regulation under subsection (d) of this section;

(C) time frames for labeling or phasing out sale or distribution; ~~and~~

(D) requirements for when and how a manufacturer of a children's product that contains a chemical of high concern to children provides the notice required under subsection 1775(a) of this title when the manufacturer intends to introduce the children's product for sale between the required dates for reporting; and

(E) other information or process determined as necessary by the Commissioner for implementation of this chapter.

* * *

1 Sec. 6. DEPARTMENT OF HEALTH; RULEMAKING DATE

2 On or before January 1, 2020, the Commissioner of Health shall adopt the
3 rule required under 18 V.S.A. § 1776(f)(1)(D) (notice by manufacturer of
4 children’s product containing a chemical of high concern to children between
5 reporting dates).

6 Sec. 7. DEPARTMENT OF HEALTH REPORT ON CHEMICAL OF HIGH
7 CONCERN TO CHILDREN PROGRAM; PUBLIC INFORMATION

8 On or before January 15, 2020, the Commissioner of Health shall submit to
9 the House Committee on Human Services and the Senate Committee on Health
10 and Welfare a report regarding the implementation of the Chemicals of High
11 Concern to Children Program under 18 V.S.A. chapter 38A. The report shall
12 include:

13 (1) a summary of the status of the Program;

14 (2) a recommendation on how to make information submitted under the
15 Program more publicly available and more consumercentric; and

16 (3) an evaluation of the feasibility of the Department of Health
17 reviewing and approving the safety of a children’s product that contains a
18 chemical of high concern to children prior to sale of the children’s product,

19 including:

