
**Report to
The Vermont Legislature**

Chemicals of High Concern in Children's Products

**In Accordance with Act 188, 2014 Session,
*An Act Relating to the Regulation of Toxic Substances, Sec. 3***

Submitted to: Senate Committee on Health and Welfare
House Committee on Human Services
House Committee on Ways and Means
Senate Committee on Finance
Senate and House Committees on Appropriations

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Act 188 (2014), Section 3 requires the Health Department to address eight topics, which are noted in bold below.

Any updates to the list of chemicals of high concern to children required under 18 V.S.A. § 1773.

In the fall of 2018, rulemaking was initiated to add 20 chemicals to the list of Chemicals of High Concern to Children.

The number of manufacturers providing notice under 18 V.S.A. § 1775 regarding whether a children’s product includes a chemical of high concern to children.

The first reporting period was between July 1, 2016 and August 31, 2018. During that period, 147 manufacturers submitted notices that their products contained at least one Chemical of High Concern to Children.

The number of chemicals of high concern to children for which manufacturers asserted trade secret protection for the specific identity of the chemical, and a recommendation of whether a process should be established to review the validity of asserted trade secrets.

No chemicals have been asserted as trade secret. The Department developed a process to review asserted trade secrets. This process involves a questionnaire to be filled out by the manufacturer to substantiate the assertion that is examined by technical and legal staff.

An estimate of the annual cost to the Department of Health to implement the chemicals of high concern to children program.

The cost of the program in state fiscal year 2017 and 2018 are below:

FY17

\$63,787	Personnel
\$44,737	Operating
\$12,000	IT Support and Maintenance
<u>\$111,356</u>	<u>Non-recurring IT acquisition cost</u>
\$231,880	Total

FY18

\$63,632	Personnel
\$31,299	Operating
<u>\$16,332</u>	<u>IT Support and Maintenance</u>
\$111,263	Total

The number of Department of health employees needed to implement the chemicals of high concern to children program.

The State Toxicologist oversees the full-time Chemical Disclosure Program (CPD) manager. A temporary research and statistics analyst was hired in the summer of 2018 to work on prioritizing the data collected in the program. The Departments legal team, Communications office, assigned Agency of Digital Services staff, and Environmental Health administrative staff assist as needed. The business office processes receipts and works with the program on payment issues.

An estimate of additional funding that the Department may require to implement the chemicals of high concern to children program.

To date, program revenue is insufficient to fund program expenses. The original revenue estimate was based on the number of disclosures received by Washington State in their 2014 reporting period which would have meant 1,200 disclosures per two-year reporting cycle, which would have resulted in revenue of \$240,000 every two

years. The actual number of disclosures for the two-year reporting period ending 8/31/18 was 913, resulting in approximate revenue of \$182,600. Estimated expenses for FY19 and FY20 are in the range of \$120,000-\$125,000 annually. If the same number of disclosures are estimated for FY19 and FY20, the program will be short approximately \$29,000- \$34,000 per year.

18 V.S.A. § 1775(i) states that information collected shall be published on the Department of Health website. While the Department currently holds over 4 million brand name and product models that have been reported, there is no user-friendly way for consumers to search the brand names and product models. In 2015, the Department requested a quote for a user-friendly interface for the data. The quote was approximately \$180,000 in one-time costs, with approximately \$12,000 of that being yearly operation, maintenance and hosting. The Department does not currently have funding to cover these costs.

A recommendation of how the State should collaborate with other states in implementing the requirements of the chemicals of high concern to children program.

The Heath Department is collaborating with Washington State, Oregon State, and the Interstate Chemical Clearinghouse to discuss a multi-state reporting system which would decrease the burden on manufacturers.

A recommendation as to whether the requirements of this chapter should be expanded to consumer products other than children's products.

Not at this time.

References:

- (1) doi: 10.1007/s40572-015-0065-9
- (2) <https://www.cdc.gov/exposurereport/index.html>
- (3) <https://www.cpsc.gov/chap>