

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 and inserting in lieu thereof new Secs. 3-7  
7 and reader assistance to read as follows:

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

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

10 § 1774. CHEMICALS OF HIGH CONCERN TO CHILDREN WORKING  
11 GROUP

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

16 \* \* \*

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

18 (1) upon the request of the Chair of the Working Group, review  
19 proposed chemicals for listing as a chemical of high concern to children under  
20 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(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. 5. 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, peer-reviewed scientific evidence~~ information, has determined that  
13 a chemical proposed for addition to the list meets both of the following criteria  
14 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 (f) Additional rules.

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

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

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

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

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

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

9 \* \* \*

10 Sec. 6. DEPARTMENT OF HEALTH; RULEMAKING DATE

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

15 \* \* \* Effective Dates \* \* \*

16 Sec. 7. EFFECTIVE DATES

17 (a) This section and Secs. 1 and 2 (the Interagency Committee on Chemical  
18 Management; transition) shall take effect on passage.

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

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1

2 (Committee vote: \_\_\_\_\_)

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\_\_\_\_\_

4

Representative \_\_\_\_\_

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FOR THE COMMITTEE