

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 as follows:

6 First: By adding a Sec. 2a after the reader assistance before Sec. 3 to read  
7 as follows:

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

9 § 1774. CHEMICALS OF HIGH CONCERN TO CHILDREN WORKING  
10 GROUP

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

15 \* \* \*

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

17 (1) upon the request of the Chair of the Working Group, review  
18 proposed chemicals for listing as a chemical of high concern to children under  
19 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 Second: By striking out Sec. 4 in its entirety and inserting in lieu thereof  
5 the following new Sec. 4 to read:

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

7 § 1775. DISCLOSURE OF INFORMATION ON CHEMICALS OF HIGH  
8 CONCERN

9 \* \* \*

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

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

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

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

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

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

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

11 \* \* \*

12 (1) Submission of notice; dates. Unless the Commissioner adopts by rule a  
13 phased-in reporting requirement under section 1776 of this title, a  
14 manufacturer shall submit the notice required under subsection (a) of this  
15 section by:

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

17 ~~(2) August 31, 2018, and biennially~~ August 31, 2020 and annually

18 thereafter.

19 Third: In Sec. 5, 18 V.S.A. § 1776, in subsection (b), in the first sentence,  
20 after “on the basis of” and before “has determined,” by striking out the words

1 “~~the weight of credible, peer-reviewed scientific evidence information~~” and  
2 inserting in lieu thereof the words “~~the weight of credible, scientific evidence~~”  
3 and in subsection (d), by striking out subdivisions (1)(A) and (B), in their  
4 entirety and inserting in lieu thereof the following:

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

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

11 and in subdivision (d)(2)(D), after “the potential” and before “of exposure” by  
12 striking out “and frequency” and inserting in lieu thereof “and likelihood”

13 Fourth: By adding a Sec. 5a to read as follows:

14 Sec. 5a. 18 V.S.A. § 1772(18) is added to read:

15 (18) “Credible scientific evidence” includes studies that have undergone  
16 independent scientific peer review.

17 Fifth: By adding a Sec. 6a to read:

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

20 On or before January 15, 2020, the Commissioner of Health shall submit to  
21 the House Committee on Human Services and the Senate Committee on Health

1 and Welfare a report regarding the implementation of the Chemicals of High  
2 Concern to Children Program under 18 V.S.A. chapter 38A. The report shall  
3 include:

4 (1) a summary of the status of the program;

5 (2) a recommendation on how to make information submitted under the  
6 program more publicly available and more consumer-centric; a

7 (3) an evaluation of the feasibility of the Department of Health  
8 reviewing and approving the safety of a children’s product that contains a  
9 chemical of high concern to children prior to sale of the children’s product,  
10 including:

11 (A) an estimate of the additional staff or resources that would be  
12 required to conduct pre-sale safety review of children’s products sold in the  
13 State;

14 (B) the estimated time for review of a children’s product; and

15 (C) an estimate of the effect that pre-sale review of children’s  
16 products would have on the availability of children’s products in the State.

17  
18 (Committee vote: \_\_\_\_\_)

19 \_\_\_\_\_

20 Representative \_\_\_\_\_

21 FOR THE COMMITTEE