

Criteria for Listing Chemicals in Other State Programs on Chemicals of High Concern in Children's Products

Context:

No other state with a similar program related to toxic chemicals in children's products uses a "weight of evidence" standard for listing chemicals of high concern to children. If Vermont uses this standard, we are out of step with other states, and will be less able to collaborate and build on the work and expertise in our partner states. Rather, **the language in S.55 is much more consistent with the criteria for listing chemicals used in other similar state laws around chemicals in children's products.**

Maine Toxic Chemicals in Children's Products Law:

<http://www.mainelegislature.org/legis/statutes/38/title38sec1693.html>

A chemical may be included on the list only if it has been identified by an authoritative governmental entity **on the basis of credible scientific evidence** as being:

- A. A carcinogen, a reproductive or developmental toxicant or an endocrine disruptor; [2011, c. 319, §3 (RPR).]
- B. Persistent, bioaccumulative and toxic; or [2011, c. 319, §3 (RPR).]
- C. Very persistent and very bioaccumulative. [2011, c. 319, §3 (RPR).]

Washington Children's Safe Products Law:

<https://apps.leg.wa.gov/wac/default.aspx?cite=173-334-070>

WAC 173-334-070

How will the department identify chemicals for inclusion in the CHCC list?

(1) The department will consult with the department of health during the modification of the CHCC list.

(2) A chemical that the department determines to meet all of the following criteria may be included on the CHCC list:

(a) The toxicity, persistence, or bioaccumulativity criteria specified in RCW [70.240.010](#)(9); and

(b) The exposure criteria specified in RCW [70.240.030](#)(1).

(3) The department will consider both the parent chemical and its degradation products when deciding whether a chemical meets the criteria of this section. If a parent chemical does not meet the criteria in this section but degrades into chemicals that do, the parent chemical may be included on the CHCC list.

(4) A person may submit a petition for consideration by the department to add a chemical to or remove a chemical from the CHCC list. The petition must provide the following information:

(a) Chemical Abstracts Service registry number;

(b) Chemical prime name; and

(c) **Credible peer-reviewed scientific information** documenting why the chemical meets or fails to meet the criteria required for inclusion on the list.

(5) The department shall review petitions in accordance with RCW [34.05.330](#), the Administrative Procedure Act.

<http://app.leg.wa.gov/RCW/default.aspx?cite=70.240&full=true>

"High priority chemical" means a chemical identified by a state agency, federal agency, or accredited research university, or other scientific evidence deemed authoritative by the department **on the basis of credible scientific evidence** as known to do one or more of the following:

(a) Harm the normal development of a fetus or child or cause other developmental toxicity;

(b) Cause cancer, genetic damage, or reproductive harm;

(c) Disrupt the endocrine system;

(d) Damage the nervous system, immune system, or organs or cause other systemic toxicity;

(e) Be persistent, bioaccumulative, and toxic; or

(f) Be very persistent and very bioaccumulative.

Oregon's Toxic Free Kids Act:

<https://olis.leg.state.or.us/liz/2015R1/Downloads/MeasureDocument/SB478>

SECTION 3.

(1) The Oregon Health Authority shall establish and maintain a list of high priority chemicals of concern for children's health when used in children's products. **The authority shall include on the list chemicals that are listed on the Washington State Department of Ecology's Reporting List of**

Chemicals of High Concern to Children on the effective date of this 2015 Act.

(2) In establishing by rule the practical quantification limits for chemicals on the list, the authority shall consider guidance developed by the State of Washington and other federal, state and nongovernmental organizations with the applicable expertise.

(3) The authority shall post the list of high priority chemicals on its website. For each high priority chemical on the list, the authority shall post: (a) Information regarding the known health impacts associated with exposure to the chemical; and (b) Data collected under section 4 of this 2015 Act in a format that is searchable and accessible to the public.

(4) The authority shall review and revise the list of high priority chemicals every three years. In completing the revisions under this subsection, the authority: (a) May not add more than five chemicals to the list of high priority chemicals during each three-year revision period under this subsection; **(b) Shall consider adding or removing a chemical from the list of high priority chemicals if, after the effective date of this 2015 Act, the chemical is added to or removed from the Washington State Department of Ecology's Reporting List of Chemicals of High Concern to Children or a list maintained by another state agency, another state or a federal agency that the authority has identified by rule as a list intended to identify high priority chemicals;** and (c) May remove a chemical from the list of high priority chemicals if the authority determines that the chemical is no longer being used in children's products.

(5) The authority shall update the list of high priority chemicals on its website within one year after the date on which a chemical is added to or removed from the list.