

1 TO THE HONORABLE SENATE:

2 The Committee on Health and Welfare to which was referred Senate Bill  
3 No. 55 entitled “An act relating to the regulation of toxic substances and  
4 hazardous materials” respectfully reports that it has considered the same and  
5 recommends that the bill be amended by striking out Sec. 4 in its entirety and  
6 inserting in lieu thereof the following:

7 Sec. 4. 18 V.S.A. § 1776 is amended to read:

8 § 1776. RULEMAKING; ADDITIONAL CHEMICALS OF CONCERN TO  
9 CHILDREN; PROHIBITION OF SALE

10 \* \* \*

11 (b) Additional chemicals of concern to children. The Commissioner may  
12 by rule add additional chemicals to the list of chemicals of high concern to  
13 children, provided that the Commissioner of Health, on the basis of ~~the weight~~  
14 ~~of credible, peer-reviewed scientific evidence information~~, has determined that  
15 a chemical proposed for addition to the list meets both of the following criteria  
16 in subdivisions (1) and (2) of this subsection:

17 1) The Commissioner of Health has determined that an authoritative  
18 governmental entity or accredited research university has demonstrated that the  
19 chemical:

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

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

2 (C) disrupts the endocrine system;

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

5 (E) is a persistent bioaccumulative toxic.

6 (2) The chemical has been found through:

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

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

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

13 \* \* \*

14 (d) Rule to regulate sale or distribution.

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

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

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

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

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

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

11                   (C) the household and workplace presence of the children's  
12           product; or

13                   (D) the potential ~~and frequency~~ of exposure of children to the  
14           chemical of high concern to children in the children's product.

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

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

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

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

8 (5) The Chemicals of High Concern to Children Working Group may, at  
9 its discretion, submit to the House Committees on Natural Resources, Fish, and  
10 Wildlife and on Human Services and the Senate Committees on Natural  
11 Resources and Energy and on Health and Welfare the recommendations or  
12 information from a consultation provided to the Commissioner under  
13 subdivision (1) of this subsection.

14 \* \* \*

15 (f) Additional rules.

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

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

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

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

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

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

13 \* \* \*

14 Sec. 4a. DEPARTMENT OF HEALTH; RULEMAKING DATE

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

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

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Senator \_\_\_\_\_

FOR THE COMMITTEE