

1 S.55

2 Senator Bray moves that the bill be amended as follows:

3 First: By striking out Secs. 1 and 2 and their reader assistance in their
4 entirety and inserting in lieu thereof new Secs. 1, 2, and 2a and their reader
5 assistance as follows:

6 * * * Toxics Use Reduction and Reporting * * *

7 Sec. 1. 10 V.S.A. § 6633 is added to read:

8 § 6633. INTERAGENCY COMMITTEE ON CHEMICAL MANAGEMENT

9 (a) Creation. There is created the Interagency Committee on Chemical
10 Management in the State to:

11 (1) evaluate chemical inventories in the State on an annual basis;

12 (2) identify potential risks to human health and the environment from
13 chemical inventories in the State; and

14 (3) propose measures or mechanisms to address the identified risks from
15 chemical inventories in the State.

16 (b) Membership. The Interagency Committee on Chemical Management
17 shall be composed of the following eight members:

18 (1) the Secretary of Agriculture, Food and Markets or designee;

19 (2) the Secretary of Natural Resources or designee;

20 (3) the Commissioner of Health or designee;

21 (4) the Commissioner of Labor or designee;

1 (5) the Commissioner of Public Safety or designee;

2 (6) the Secretary of Commerce and Community Development or
3 designee;

4 (7) the Secretary of Digital Services or designee; and

5 (8) the Secretary of Transportation or designee.

6 (c) The Interagency Committee on Chemical management shall:

7 (1) Convene a citizen advisory panel to provide input and expertise to
8 the Committee. The citizen advisory panel shall consist of persons available to
9 the Committee on an as-needed basis to provide the following expertise:

10 (A) one individual with expertise in toxicology;

11 (B) one individual with expertise in environmental health;

12 (C) one individual with expertise in maternal and child health;

13 (D) one individual with expertise in industrial hygiene or
14 occupational health;

15 (E) one individual with expertise in human health and environmental
16 risk assessment;

17 (F) one individual with expertise in manufacturing products or
18 processes located in Vermont and subject to Vermont recordkeeping and
19 reporting requirements;

20 (G) one individual with expertise in retail sales located in Vermont;

1 (H) one individual associated with a small business located in
2 Vermont and subject to Vermont recordkeeping and reporting requirements;

3 (I) one individual associated with an academic institution with
4 expertise in chemical management or chemical policy;

5 (J) one individual with expertise in environmental law;

6 (K) one individual with expertise in public policy, with a focus on
7 chemical policy; and

8 (L) one individual with expertise in development and administration
9 of information reporting technology or databases.

10 (2) Monitor actions taken by the U.S. Environmental Protection Agency
11 (EPA) to regulate chemicals under the Toxic Substances Control Act,
12 15 U.S.C. chapter 53, and notify relevant State agencies of any EPA action
13 relevant to the jurisdiction of the agency.

14 (3) Annually review chemical inventories in the State in relation to
15 emerging scientific evidence in order to identify chemicals of high concern not
16 regulated by the State.

17 (4) Conduct the process set forth in section 6634 of this title to review
18 nominated chemicals and make recommendations, including proposed
19 legislative or regulatory changes, to improve chemical management through
20 changes to chemical recordkeeping, reporting, or other requirements.

1 (5) Hold public meetings to present information, take testimony, and
2 receive nominations for review of chemicals nominated for review under
3 section 6634 of this title.

4 (6) Coordinate with appropriate State agencies to implement
5 recommendations made in a final Interagency Committee on Chemical
6 Management report pursuant to subsection 6634(f) of this title.

7 (7) Develop written procedures, guidance, and other resources that are
8 necessary and appropriate to carry out the functions of the Interagency
9 Committee on Chemical Management.

10 (d) Assistance. The Interagency Committee on Chemical Management
11 shall have the administrative, technical, and legal assistance of the Agency of
12 Natural Resources, the Agency of Agriculture, Food and Markets, the
13 Department of Health, the Department of Public Safety, the Department
14 of Labor, the Agency of Commerce and Community Development, and the
15 Department of Information and Innovation.

16 (e) Report. On or before December 15, 2020 and biennially thereafter, the
17 Interagency Committee on Chemical Management shall report to the Governor
18 and make recommendations regarding the actions of the Committee in
19 accordance with this section. Copies of the report shall be submitted to: the
20 Senate Committees on Natural Resources and Energy, on Health and Welfare,
21 and on Economic Development, Housing and General Affairs, and the House

1 Committees on Natural Resources, Fish, and Wildlife, on Human Services, and
2 on Commerce and Economic Development. The provisions of 2 V.S.A. §20(d)
3 regarding expiration of required reports shall not apply to the report to be made
4 under this section. The report shall include:

5 (1) a summary of chemical use in the State based on reported chemical
6 inventories;

7 (2) a summary of identified risks to human health and the environment
8 from reported chemical inventories;

9 (3) a summary of any change under federal statute or rule affecting the
10 regulation of chemicals in the State; and

11 (4) recommended legislative or regulatory action to reduce risks to
12 human health and the environment from regulated and unregulated chemicals
13 of emerging concern.

14 (f) Meetings.

15 (1) The Secretary of Natural Resources or designee shall be the Chair of
16 the Interagency Committee on Chemical Management.

17 (2) The Secretary of Natural Resources or designee shall call the first
18 meeting of the Interagency Committee on Chemical Management to occur on
19 or before July 1, 2019.

20 (3) A majority of the membership of the Interagency Committee on
21 Chemical Management shall constitute a quorum.

1 (g) Authority of agencies. The establishment of the Interagency
2 Committee on Chemical Management shall not limit the independent authority
3 of a State agency to regulate chemical use or management under existing State
4 or applicable federal law.

5 Sec. 2. 10 V.S.A. § 6634 is added to read:

6 § 6634. NOMINATION; REVIEW OF CHEMICALS

7 (a) Nomination of chemicals for review. The Interagency Committee on
8 Chemical Management (Committee) shall accept nominations to review a
9 chemical, class of chemicals, or grouping of chemicals. A nomination may be
10 made by the Committee, a member of the citizens advisory panel created under
11 subdivision 6633(c)(1) of this title, or the public. A nomination shall be
12 submitted in writing to the Chair of the Committee on a form developed by the
13 Committee, and shall include, at a minimum and to the extent the information
14 is available, the following information and any supporting documentation
15 related to the nominated chemical or chemicals:

16 (1) use and risk of adverse exposure in the State;

17 (2) information about the potential hazards or risks;

18 (3) information related to releases to environmental media;

19 (4) the extent to which the chemical is regulated by the State, the federal
20 government, or other jurisdictions where the purpose of the regulation is to
21 address the risks posed to human health or the environment; and

1 (5) any other information that the Committee determines is necessary to
2 evaluate a chemical’s use in the State or the risks to human health and the
3 environment posed by the chemical in the State.

4 (b) Preliminary Committee determination. The Committee shall determine
5 whether a nomination submitted pursuant to subsection (a) of this section
6 warrants further technical review of the nominated chemical, class of
7 chemicals, or grouping of chemicals. The Committee may require the
8 submission of additional information prior to making a determination for
9 further review. The Committee may prioritize its review of nominations, and
10 may consider the availability of information, Committee resources, and other
11 factors that may limit further review of a nomination in its determination.

12 (c) Technical team review; report.

13 (1) Upon a preliminary determination that a nominated chemical
14 requires further technical review pursuant to subsection (b) of this section, the
15 Committee shall establish a technical team to review the nominated chemical
16 and to make recommendations for changes to legislative or regulatory
17 standards governing use of the chemical. The technical team shall consist of
18 Committee members or designated Committee member representatives with
19 relevant knowledge and expertise of the nominated chemical, including
20 regulation and relevant uses of the chemical and the risks to human health and

1 the environment posed by the chemical. The technical team may obtain
2 additional expertise, as needed.

3 (2) The technical team shall summarize its review and any
4 recommendations in a written report. The report shall include the following
5 information related to each chemical nominated for review, as applicable and
6 to the extent the information is available:

7 (A) current and expected future uses of the chemical, including a
8 summary of estimated quantities of the chemical used, managed, or stored in
9 associated with these uses, including a description of any known uses, by type,
10 and amounts used, managed, and stored in Vermont;

11 (B) toxicity information;

12 (C) routes of known and potential exposure;

13 (D) known and potential impacts to public health and the
14 environment, including impacts to occupational health, public safety, and
15 emergency response readiness;

16 (E) the status of applicable regulations, advisories, assessment, and
17 other applicable information or data, developed by the State;

18 (F) recommendations for the development of legislative, regulatory,
19 guidance or other changes that are appropriate to address risks posed to human
20 health or the environment; and

1 (G) a description of the potential impact of each recommendation,
2 including impacts to users of the chemical in Vermont, agencies or other
3 entities that have regulatory authority over the chemical, and the public.

4 (d) Committee review of technical findings.

5 (1) The Committee shall review and make findings on a report
6 submitted by the technical team pursuant to subsection (c) of this section. The
7 Committee may prioritize its review of technical reports and may consider the
8 availability Committee resources and other factors that may limit review of
9 technical reports. The Committee may obtain additional expertise or require
10 the submission of additional information prior to making findings on a report.
11 The Committee may propose additional recommendations, including
12 recommendations for the collection of additional information or further
13 technical review.

14 (2) The Committee shall issue its findings made pursuant to this
15 subsection and a proposal for any additional recommendations in writing. The
16 Committee’s findings shall be submitted to the technical team and the citizens
17 advisory panel and shall be public.

18 (3) The citizens advisory panel created by subdivision 6633(c)(1) of this
19 title may review the findings of the Committee related to any technical report
20 issued by the panel and may provide written comments to the Committee. The
21 panel shall coordinate the review and submission of comments with the

1 Committee prior to any final Committee action on the report made pursuant to
2 subsection (e) of this section.

3 (e) Committee determination on technical findings; recommendations.

4 (1) The Committee shall approve or deny, in whole or in part, any
5 recommendations in a technical report and shall issue a written decision
6 including findings supporting the determination. The Committee shall
7 consider any comments submitted by the citizens advisory panel and the public
8 and may address such comments in writing.

9 (2) A copy of the Committee's decision shall be made public and a copy
10 the decision shall be provided to the nominating entity, relevant executive
11 agencies, and other applicable entities. The Committee also shall submit the
12 decision and any recommendations to the Governor and to the appropriate
13 committees of jurisdiction of the Vermont General Assembly.

14 Sec. 2a. TRANSITION; LEGISLATIVE INTENT

15 It is the intent of the General Assembly that:

16 (1) the Interagency Committee on Chemical Management established by
17 Executive Order No. 02-19 shall fulfill the powers and duties of the
18 Interagency Committee on Chemical Management under 10 V.S.A. §§ 6633
19 and 6634; and

20 (2) the persons appointed as members of the citizen advisory committee
21 of the Interagency Committee on Chemical Management established by

1 Executive Order No. 02-19 shall continue as members of the citizen advisory
2 committee established under 10 V.S.A. § 6633.

3 Second: In Sec. 5 (effective dates), by striking out subsection (a) in its
4 entirety and inserting in lieu thereof the following:

5 (a) This section and Secs. 1, 2, and 2a (the Interagency Committee on
6 Chemical Management; review of chemicals) shall take effect on passage.