



April 7, 2021

The Honorable Representative Pugh
House Committee on Human Services
115 State Street
Montpelier, VT 05633-5301

Re: Concerns with S.20 – Section 1776 – Chemicals of High Concern to Children

Dear Representative Pugh and Members of the House Committee on Health Services:

The Juvenile Products Manufacturers Association (JPMA) is writing to express concerns on S.20 that inserts a seemingly small provision that would add **“or a member of a class of chemicals”** to the list of Chemicals of High Concern to Children (CHCCs), under the Toxic Chemicals in Children’s Products. While this legislation is much larger and addresses PFAS, JPMA is concerned about the significant impact on the scope of this list.

The Juvenile Products Manufacturers Association is a national not-for-profit trade organization representing 95% of the prenatal to preschool industry including the producers, importers, or distributors of a broad range of childcare articles that provides protection to infants and assistance to their caregivers. JPMA collaborates with government officials, consumer groups, and industry leaders on programs to educate consumers on the safe selection and use of juvenile products.

Safety is the number-one priority for juvenile product manufacturers. JPMA’s members perform rigorous safety assessments prior to the marketing of any product and take into consideration potential impacts on an infant and child. Expansion of the CHCC list in S.20 does not improve the safety of children’s products but adds incredible complexity of this Program. Therefore, JPMA notes the following core concern, with S.20:

“Class of Chemicals” Exponentially Grows the Program: The retroactive inclusion of wide categories of “class of chemicals” significantly expands the list of CHCCs in a way that is unspecified and unclear for manufacturers that rely on clarity of this list in order to ensure compliance. Specifically, S.20 includes the following language that is vague and could have a significant impact on the CHCC list:

* * Chemicals of High Concern to Children * * *

*“Sec. 5. 18 V.S.A. § 1773 is amended to read: § 1773. CHEMICALS OF HIGH CONCERN TO CHILDREN 15 (a) List of chemicals of high concern to children. The following chemicals **or a member of a class of chemicals** are designated as chemicals of high concern to children for the purposes of the requirements of this chapter.”*

In some cases, classes of chemicals could add hundreds of chemicals beyond a specific listed chemical to the CHCC list. Specificity is needed, in order for children’s product manufacturers to determine their responsibility and ensure compliance with Act 188 and any such similar program. Including “classes of

JUVENILE PRODUCTS MANUFACTURERS ASSOCIATION, INC.

1120 Route 73, Suite 200 • Mt. Laurel, NJ 08054

TEL: 856.638.0420 • FAX: 856.439.0525

jpma@jpma.org • www.jpma.org

chemicals” significantly jeopardizes the ability of companies to ensure compliance with the program and increases exponentially the cost of doing so.

Safety Remains the Juvenile Products Industry’s Priority: In addition to meeting stringent internal product safety requirements, juvenile products sold in the U.S. must also comply with numerous federal and state safety and environmental regulations under a variety of laws and regulations including:

- The Consumer Product Safety Improvement Act (CPSIA),
- The Federal Hazardous Substances Act (FHSA),
- The Toxic Substances Control Act (TSCA), and
- The Lautenberg Chemical Safety Act (LCSA) signed into law in 2016.

Under this network of requirements, it is illegal to sell juvenile or children’s products containing various substances known to be harmful to children and to which children might be exposed.

Conclusion

Product safety is the top priority for JPMA and our members and we understand and support preventing exposure to dangerous chemicals. We appreciate the opportunity to discuss S.20, however, have significant concerns with the changes that this legislation would significantly expand the CHCC list and further drive Vermont out of consistency with other similar state chemical regulatory programs.

Therefore, JPMA respectfully requests that you consider the significant consequences of this legislation and **oppose the inclusion of this section or require the Department to follow existing rulemaking processes to add “classes of chemicals” to the CHCC list.** Thank you for your consideration in this important matter.

Respectfully Submitted,



Kelly Mariotti, JD, CPA, CAE
Executive Director