
**Report to
The Vermont Legislature**

Chemicals of High Concern in Children's Products

In Accordance with Act 188 (2014)
An Act Relating to the Regulation of Toxic Substances

Submitted to: Senate Committee of Health and Welfare
House Committee on Human Services House Committee on
Ways and Means Senate Committee on Finance
Senate and House Committees on Appropriations

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Introduction

Act 188 (2014), Section 3 requires the Vermont Department of Health (Department) to provide a biennial report concerning implementation, administration, and financing by the Department of the requirements of 18 V.S.A. chapter 38A regarding the chemicals of high concern to children. The report addresses eight topic areas, which are provided below.

Implementation, Administration and Financing

Any updates to the list of chemicals of high concern to children required under 18 V.S.A. § 1773.

Since January 15, 2019, no additional chemicals have been added to the list. In September of 2020, the definition of the listed chemical "Formaldehyde" was amended to: *"Formaldehyde and substances that are intentionally added to release formaldehyde, including 5-Bromo-5-nitro-1,3-dioxane, Bronopol, Diazolidinyl urea, DMDM hydantoin, Imidazolidinyl urea, Methanol, (phenylmethoxy), Methenamine, Quaternium-15, and Sodium N-(hydroxymethyl)glycinate."*

The number of manufacturers providing notice under 18 V.S.A. § 1775 regarding whether a children's product includes a chemical of high concern to children.

The most recent reporting period was between September 1, 2018 and August 31, 2020. During that period, 87 manufacturers submitted 657 notices that their products contained at least one Chemical of High Concern to Children. During the previous reporting period, from July 1, 2016 to August 31, 2018, 147 manufacturers submitted 913 notices.

The number of Chemicals of High Concern to Children for which manufacturers asserted trade secret protection for the specific identity of the chemical, and a recommendation of whether a process should be established to review the validity of asserted trade secrets.

No chemicals have been asserted as trade secret. A process was implemented to review asserted trade secrets. This process involves a questionnaire to be filled out by the manufacturer to substantiate the assertion that is examined by legal staff.

An estimate of the annual cost to the Department of Health to implement the chemicals of high concern to children program.

<u>FY19</u>	
\$69,528	Personnel
\$35,788	Operating
<u>\$26,079</u>	<u>IT Support and Maintenance</u>
\$131,395	Total

<u>FY20</u>	
\$61,616	Personnel
\$26,231	Operating
<u>\$27,079</u>	<u>IT Support and Maintenance</u>
\$114,926	Total

The number of Department of health employees needed to implement the chemicals of high concern to children program.

The State Toxicologist oversees a full-time Chemical Disclosure Program (CDP) manager. The Department's legal team, Communications office, assigned Agency of Digital Services staff, and Environmental Health administrative staff assist as needed. The business office processes receipts and works with the program on payment issues.

An estimate of additional funding that the Department may require to implement the chemicals of high concern to children program.

The Program is in the process of transitioning to a new reporting system that is expected to be operational in 2021. Additionally, beginning on August 31, 2020, manufacturers were required to report and provide disclosure payments annually rather than biennially, per Act 75 (2019). Accordingly, there are a number of uncertainties with regard to revenue and expenses, and the Department is therefore unable to provide a reliable estimate on expected revenue shortfalls at this time.

A recommendation of how the State should collaborate with other states in implementing the requirements of the chemicals of high concern to children program.

To make information submitted through the Chemical Disclosure Program more publicly available and consumer-centric, the Department is transitioning to a multi-state reporting system, currently used by Oregon and Washington, to collect and display disclosures to the public. The Department collaborated with Washington, Oregon, and the Interstate Chemical Clearinghouse to develop the multi-state reporting system, which includes a searchable public-facing user interface.

A recommendation as to whether the requirements of this chapter should be expanded to consumer products other than children's products.

Currently, the Department does not recommend an expansion of the requirements of this chapter.