



House of Representatives

General Assembly

File No. 214

February Session, 2010

Substitute House Bill No. 5130

House of Representatives, March 30, 2010

The Committee on Environment reported through REP. ROY, R. of the 119th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING CHILD SAFE PRODUCTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) (a) Not later than July 1,
2 2011, the Commissioner of Public Health, in consultation with the
3 Commissioners of Environmental Protection and Consumer
4 Protection, shall adopt regulations, in accordance with the provisions
5 of chapter 54 of the general statutes, to: (1) Establish a list of not less
6 than five priority chemicals in accordance with this subsection that are
7 of high concern to children's health and development due to the fact
8 that credible scientific evidence indicates such chemical is a
9 carcinogen, a reproductive or developmental toxicant, an endocrine
10 disruptor, a persistent bioaccumulative toxin or a very persistent, very
11 bioaccumulative toxin; and (2) to prohibit any manufacturer,
12 distributor, wholesaler or retailer from manufacturing, knowingly
13 selling, distributing for sale or distributing for use in this state any
14 children's product, as defined in section 21a-335 of the general statutes,
15 or component of a children's product that contains any chemical that is

16 listed for a period of three years or longer on the priority chemical list
17 developed pursuant to subdivision (1) of this section.

18 (b) Any chemical listed on the priority chemical list pursuant to
19 subdivision (1) of subsection (a) of this section shall meet one or more
20 of the following criteria: (1) Such chemical, as determined by
21 biomonitoring studies, is present in human umbilical cord blood,
22 human breast milk, human blood or other bodily tissues or fluids; (2)
23 such chemical, as determined by sampling and analysis, is present in
24 household dust, indoor air, drinking water or any area of the home
25 environment; or (3) such chemical is added to or present in a consumer
26 product that is present in the home environment. In determining
27 which chemicals to list as priority chemicals pursuant to subdivision
28 (1) of subsection (a) of this section, the Commissioner of Public Health
29 shall consider inclusion of those chemicals designated as chemicals of
30 high concern by the interstate clearinghouse concerning chemicals, as
31 described in section 22a-902 of the general statutes. Not later than July
32 1, 2012, and each year thereafter, the Commissioner of Public Health,
33 in consultation with the Commissioners of Environmental Protection
34 and Consumer Protection, shall amend such regulations to add
35 additional chemicals to such priority chemical list as necessary.

36 (c) Regulations adopted pursuant to subdivision (2) of subsection (a)
37 of this section may authorize the commissioner to require such
38 manufacturer, distributor, wholesaler or retailer, as applicable, to
39 provide a certificate of independent, third-party testing to determine
40 whether such children's product contains any such priority chemical.
41 Such regulations shall not prohibit the manufacture, sale, distribution
42 for sale or distribution for use of a children's product on the sole basis
43 that such children's product contains a priority chemical in: (1) A de
44 minimis amount that does not exceed a harmful level; or (2) a
45 component of such children's product, provided such component is
46 not accessible to a child because such component is covered or
47 contained in a casing and will not become physically exposed through
48 the normal and reasonably foreseeable use and abuse of such
49 children's product. No regulation adopted pursuant to subdivision (2)

50 of subsection (a) of this section shall prohibit the manufacture, sale,
51 distribution for sale or distribution for use of any chemical present in
52 or used in the production or packaging of any drug intended for use in
53 humans or animals, as defined in 21 USC 321, that is manufactured or
54 distributed in a manner consistent with the requirements of the federal
55 Food, Drug and Cosmetic Act or the Public Health Service Act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section

ENV *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 11 \$	FY 12 \$
Public Health, Dept.	GF - Cost	65,526	63,792
Comptroller Misc. Accounts (Fringe Benefits) ¹	GF - Cost	16,340	40,765

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill results in a total cost to the state of \$81,866 in FY 11 and \$104,557 in FY 12. The Department of Public Health (DPH) would incur a cost for one staff position and other expenses to: 1) sample and analyze products in the state based on a list of chemicals harmful to children’s health (developed by the agency and updated annually); 2) create standards for these chemicals’ minimal level of harm; and 3) conduct biomonitoring research as necessary. The associated fringe benefit cost for this position, under the Office of the State Comptroller, would be \$16,340 in FY 11 and \$40,765 in FY 12.

Costs are detailed below:

Item	FY 11 \$	FY 12 \$
Epidemiologist 2	61,292	61,292
Other Expenses (travel, lab supplies, printing)	2,500	2,500
Equipment (computer)	1,734	0

¹ The estimated non-pension fringe benefit rate as a percentage of payroll is 26.66% which includes health insurance, social security, Medicare, life insurance, and unemployment compensation. Fringe benefit costs for new positions do not include pension costs as new positions will not impact the state's pension contribution until FY 12 after the next scheduled actuarial valuation.

DPH Total	65,526	63,792
Fringe Benefits	16,340	40,765
Comptroller Total	16,340	40,765
STATE TOTAL	81,866	104,557

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sHB 5130*****AN ACT CONCERNING CHILD SAFE PRODUCTS.*****SUMMARY:**

This bill phases out the use of certain chemicals in children's products. It requires the Department of Public Health (DPH) commissioner, in consultation with other agencies, to adopt regulations establishing a list of priority chemicals that are of high concern to children's health and development. The chemicals must meet certain criteria for inclusion on the list. The commissioner must expand the list over time.

Under the bill, manufacturers, distributors, wholesalers, and retailers are prohibited from manufacturing, selling or distributing knowingly children's products that have been on the list for at least three years. The regulations may allow DPH to require independent, third-party testing in certain situations.

EFFECTIVE DATE: Upon passage

PRIORITY CHEMICALS LIST***Regulations***

By July 1, 2011, the DPH commissioner, in consultation with the Department of Environmental Protection (DEP) and the Department of Consumer Protection (DCP) commissioners, must (1) establish a list of at least five priority chemicals that are of high concern to children's health and development due to credible scientific evidence indicating that they are carcinogens, reproductive or developmental toxicants, endocrine disruptors, persistent bioaccumulative toxins, or very persistent, very bioaccumulative toxins; and (2) prohibit any manufacturer, distributor, wholesaler, or retailer from manufacturing,

knowingly selling, or distributing for sale or use, in this state, any children's product or a component of such product that contains a chemical listed for at least three years on the priority list.

Criteria for Inclusion on List

A listed chemical must meet one or more of the following: it is (1) present, as determined by biomonitoring studies, in human umbilical cord blood, human breast milk, human blood, or other bodily tissues or fluids; (2) present, as determined by sampling and analysis, in household dust, indoor air, drinking water, or any area of the home; or (3) added to or present in a consumer product present in the home.

The DPH commissioner must consider including on the list those chemicals designated as chemicals of high concern by the interstate clearinghouse concerning chemicals. By July 1, 2012 and annually afterward, the DPH commissioner, in consultation with the DEP and DCP commissioners, must amend the regulations to add new chemicals as necessary.

Independent Third-Party Testing

Under the bill, the required regulations may authorize the DPH commissioner to require the manufacturer, distributor, wholesaler, or retailer to provide a certificate of independent, third-party testing to determine if the children's product contains any listed priority chemical. The regulations must not prohibit the manufacture, sale, or distribution for sale or use of a children's product solely because the product contains a priority chemical (1) in a de minimums amount that does not exceed a harmful level or (2) in a component of the product, if the component is not accessible to a child because it is covered or contained in a casing and will not become physically exposed through the product's normal and reasonably foreseeable use and abuse.

The regulations cannot prohibit the manufacture, sale, or distribution for sale or use of any chemical present in or used in producing or packaging any drug intended for human or animal use if its manufacture or distribution is consistent with the federal Food,

Drug and Cosmetic Act or the Public Health Service Act.

BACKGROUND

Children's Product

The law defines "children's product" as a consumer product designed or intended primarily for children under age 12, including clothing, accessories, jewelry, decorative object, candy, food, dietary supplements or other edible or chewable items, toys, furniture, or other articles used by or intended to be used by children (CGS § 21a-335(v)).

Interstate Clearinghouse Concerning Chemicals

The law authorizes the DEP commissioner, within available appropriations, to participate in an interstate clearinghouse to (1) classify chemicals used in commercial products according to whether they are of high, moderate, low, or unknown concern and (2) organize and manage available data on chemicals (PA 08-106; CGS § 22a-902).

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 27 Nay 2 (03/15/2010)