



General Assembly

February Session, 2010

Raised Bill No. 5130

LCO No. 867

00867 _____ ENV

Referred to Committee on Environment

Introduced by:
(ENV)

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) (1) Not later than July 1,
2 2011, the Commissioner of Environmental Protection, in consultation
3 with the Commissioners of Public Health and Consumer Protection,
4 shall develop a list of not less than five priority chemicals that are of
5 high concern to children's health and development due to the
6 likelihood that children will be exposed to such priority chemicals.

7 (2) Any chemical listed on such priority chemical list shall meet one
8 or more of the following criteria: (A) Such chemical, as determined by
9 bio-monitoring studies, is present in human umbilical cord blood,
10 human breast milk, human blood or other bodily tissues or fluids; (B)
11 such chemical, as determined by sampling and analysis, is present in
12 household dust, indoor air, drinking water or any area of the home
13 environment; or (C) such chemical is added to or present in a
14 consumer product that is present in the home environment.

15 (3) In determining which chemicals to designate as priority
16 chemicals, the Commissioner of Environmental Protection shall

17 consider inclusion of those chemicals designated as chemicals of high
18 concern by any of the following: (A) The interstate clearinghouse
19 concerning chemicals, as described in section 22a-902 of the general
20 statutes, (B) the World Health Organization's International Agency for
21 Research on Cancer, (C) the United States Department of Health and
22 Human Services, (D) the United States Environmental Protection
23 Agency, (E) the California Environmental Protection Agency, (F) the
24 Washington Department of Ecology, or (G) the Maine Department of
25 Environmental Protection.

26 (b) Not later than July 1, 2012, and each year thereafter, the
27 Commissioner of Environmental Protection, in consultation with the
28 Commissioners of Public Health and Consumer Protection, shall make
29 a determination of whether to add more chemicals to such priority
30 chemical list.

31 (c) The Commissioner of Environmental Protection shall adopt
32 regulations in accordance with the provisions of chapter 54 of the
33 general statutes to implement the provisions of this section.

34 Sec. 2. (NEW) (*Effective October 1, 2010*) (a) No manufacturer,
35 distributor, wholesaler or retailer shall manufacture, knowingly sell,
36 distribute for sale or distribute for use in this state any children's
37 product, as defined in section 21a-335v of the general statutes, or
38 component of a children's product that contains any chemical that is
39 listed for a period of three years or longer on the priority chemical list
40 developed pursuant to section 1 of this act.

41 (b) If the Commissioner of Consumer Protection has reasonable
42 grounds to believe that a children's product was manufactured,
43 knowingly sold, distributed for sale or distributed for use in this state
44 in violation of the provisions of subsection (a) of this section, the
45 commissioner may request such manufacturer, distributor, wholesaler
46 or retailer, as applicable, to provide a certificate of independent, third-
47 party testing. Not later than ten days after receipt of any such request
48 for a certificate of independent, third-party testing, such manufacturer,

49 distributor, wholesaler or retailer, as applicable, shall provide the
50 commissioner with a certificate of independent, third-party testing that
51 indicates whether independent, third-party testing of such children's
52 product detected the presence of any priority chemical in such
53 children's product. If such independent, third-party testing detected
54 the presence of any such priority chemical, such manufacturer,
55 distributor, wholesaler or retailer, as applicable, shall be responsible
56 for providing the commissioner with a list of the names and addresses
57 of any person known to such manufacturer, distributor, wholesaler or
58 retailer to sell such children's product in this state.

59 (c) The Commissioner of Consumer Protection shall adopt
60 regulations in accordance with the provisions of chapter 54 of the
61 general statutes to implement the provisions of this section. Such
62 regulations shall include, but not be limited to: (1) Procedures to
63 prevent the further manufacture, sale and distribution of any
64 children's product in this state that is described in subsection (a) of this
65 section, (2) a schedule of fines to be paid by any manufacturer,
66 distributor, wholesaler or retailer who violates the provisions of this
67 section, and (3) requirements for the performance of any independent,
68 third-party testing, as described in subsection (b) of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>October 1, 2010</i>	New section

Statement of Purpose:

To phase out the use of certain chemicals in children's products.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]