



125th MAINE LEGISLATURE

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Legislative Document

No. 1185

S.P. 360

In Senate, March 22, 2011

An Act To Amend the Process for Prioritizing Toxic Chemicals in Children's Products

Reference to the Committee on Health and Human Services suggested and ordered printed.

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR.
Secretary of the Senate

Presented by Senator GOODALL of Sagadahoc.
Cosponsored by Representative DOW of Waldoboro and
Senator: BARTLETT of Cumberland, Representatives: DUCHESNE of Hudson, FOSSEL of
Alna, INNES of Yarmouth, KNAPP of Gorham, STRANG BURGESS of Cumberland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 38 MRSA §1693-A** is enacted to read:

3 **§1693-A. Candidates for designation as priority chemical**

4 **1. Candidate list.** By January 1, 2012, the department, with input from interested
5 persons and with the concurrence of the Department of Health and Human Services,
6 Maine Center for Disease Control and Prevention, shall publish a list of chemicals that
7 are candidates for designation as priority chemicals pursuant to section 1694. This list
8 must include chemicals that have been identified as chemicals of high concern pursuant
9 to section 1693 and that meet one or more of the criteria in subsection 2. The initial list of
10 candidates, which must be published no later than January 1, 2012, must include at least
11 10 and no more than 50 chemicals identified as chemicals of high concern pursuant to
12 section 1693.

13 **2. Criteria.** A chemical of high concern identified pursuant to section 1693 may be
14 included in the list published pursuant to subsection 1 if it meets at least one of the
15 following criteria:

16 **A.** A chemical action plan has been developed for that chemical by the United States
17 Environmental Protection Agency under its chemicals management program;

18 **B.** The chemical is on the candidate list of substances of very high concern published
19 by the European Chemicals Agency;

20 **C.** The chemical has been nominated for review under the Stockholm Convention on
21 Persistent Organic Pollutants; or

22 **D.** The potential for exposure of children to the chemical from the use or disposal of
23 children's products containing that chemical has been demonstrated by another state
24 or federal agency or in the peer-reviewed scientific literature, to the satisfaction of the
25 department and the Department of Health and Human Services, Maine Center for
26 Disease Control and Prevention.

27 **3. Updates.** The commissioner shall review the candidate list published pursuant to
28 subsection 1 at least every 3 years. The commissioner shall remove any chemical from
29 the candidate list that has been designated as a priority chemical pursuant to section 1694
30 or that no longer meets any of the criteria of subsection 2. The commissioner may add
31 additional chemicals to the candidate list according to the criteria and requirements of this
32 section. The candidate list may not consist of more than 50 or fewer than 10 chemicals of
33 high concern, unless fewer than 10 chemicals of high concern meet any of the criteria
34 under subsection 2.

35 **Sec. 2. 38 MRSA §1694, sub-§1,** as enacted by PL 2007, c. 643, §2, is amended
36 to read:

37 **1. Designation.** The commissioner may designate a chemical of high concern as a
38 priority chemical if the commissioner finds, in concurrence with the Department of
39 Health and Human Services, Maine Center for Disease Control and Prevention:

- 1 A. The chemical has been found through biomonitoring to be present in human
2 blood, including umbilical cord blood, breast milk, urine or other bodily tissues or
3 fluids;
- 4 B. The chemical has been found through sampling and analysis to be present in
5 household dust, indoor air, drinking water or elsewhere in the home environment;
- 6 C. The chemical has been found through monitoring to be present in fish, wildlife or
7 the natural environment;
- 8 D. The chemical is present in a consumer product used or present in the home;
- 9 E. The chemical has been identified as a high production volume chemical by the
10 federal Environmental Protection Agency; or
- 11 F. The sale or use of the chemical or a product containing the chemical has been
12 banned in another state within the United States.

13 After January 1, 2012, a chemical may be designated as a priority chemical only if it is
14 included on the candidate list published pursuant to section 1693-A.

15 The commissioner shall designate at least 2 priority chemicals by January 1, 2011 and at
16 least 2 additional priority chemicals by January 1, 2013.

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SUMMARY

18 The bill amends the law to require the Commissioner of Environmental Protection by
19 January 1, 2012 to establish a list of chemicals that are candidates for designation as a
20 priority chemical based on similar listings of other authoritative agencies or demonstrated
21 potential to exposure children to that chemical from its use in children's products. Under
22 the bill, the candidate list is a subset of the list of chemicals of high concern, which is
23 already established under existing law. The bill further requires that, after January 1,
24 2012, a chemical may be designated as a priority chemical only if it is included on the
25 candidate list and requires that at least 2 additional priority chemicals be designated by
26 January 1, 2013.