

MAINE STATE LEGISLATURE

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L.D. 2048

Date: 4-9-08

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STATE OF MAINE
SENATE
123RD LEGISLATURE
FIRST SPECIAL SESSION

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P.
1432, L.D. 2048, Bill, "An Act To Protect Children's Health and the Environment from
Toxic Chemicals in Toys and Children's Products"

Amend the amendment by inserting after the title the following:

'Amend the bill by striking out the title and substituting the following:

**'An Act To Protect Children's Health and the Environment from Toxic
Chemicals in Children's Products' '**

Amend the amendment by inserting after the first indented paragraph after the title
the following:

'Sec. 1. 5 MRSA §12004-I, sub-§24-G is enacted to read:

24-G.

<u>Environment:</u>	<u>Scientific</u>	<u>\$100/Day</u>	<u>38 MRSA §1693</u>
<u>Consumer</u>	<u>Assessment</u>		
<u>Products</u>	<u>Review Board</u>		

Amend the amendment by striking out everything after section 1 and inserting the
following:

'Sec. 2. 38 MRSA c. 16-D is enacted to read:

CHAPTER 16-D

SENATE AMENDMENT

2018

TOXIC CHEMICALS IN CHILDREN'S PRODUCTS

§1691. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Chemical. "Chemical" means a substance with a distinct molecular composition or a group of structurally related substances and includes the breakdown products of the substance or substances that form through decomposition, degradation or metabolism.

3. Chemical of high concern. "Chemical of high concern" means a chemical identified by the department pursuant to section 1693.

4. Children's product. "Children's product" means a consumer product intended for use by children, such as baby products, toys, car seats, personal care products and clothing, and any consumer product containing a chemical of high concern that when used or disposed of may result in a child's or a fetus's being exposed to that chemical.

5. Consumer product. "Consumer product" means any item sold for residential or commercial use, including any component parts and packaging. "Consumer product" does not include a food or beverage or an additive to a food or beverage, a tobacco product or a pesticide regulated by the federal Environmental Protection Agency. "Consumer product" also does not include a drug or biologic regulated by the federal Food and Drug Administration or the packaging of a drug or biologic regulated by the federal Food and Drug Administration if the packaging is regulated by the federal Food and Drug Administration.

6. State agencies. "State agencies" means the Department of Environmental Protection and the Department of Health and Human Services, Maine Center for Disease Control and Prevention.

§1692. Identification of chemicals of high concern

1. Criteria. By January 1, 2010, the department, in consultation with the Department of Health and Human Services, Maine Center for Disease Control and Prevention, shall publish a list of chemicals of high concern. A chemical may be included on the list only if it has been identified by an authoritative governmental entity on the basis of credible scientific evidence as being known as:

A. A carcinogen, a reproductive or developmental toxicant or an endocrine disruptor;

B. Persistent, bioaccumulative and toxic; or

C. Very persistent and very bioaccumulative.

For each chemical on the list, the state agencies shall identify any existing or needed scientific risk assessments required to determine human health effects at relevant exposure levels.

2. Revisions. The department may periodically review and revise the list of chemicals of high concern. The department may add chemicals to the list if, in the judgment of the Department of Health and Human Services, Maine Center for Disease Control and Prevention, the chemical meets one or more of the criteria in subsection 1.

The department may remove a chemical from the list of chemicals of high concern based on evidence that the chemical is not present in a children's product.

§1693. Scientific Assessment Review Board

The Scientific Assessment Review Board, established by Title 5, section 12004-I, subsection 24-G and referred to in this section as "the board," serves as a review body to assess the testing that has been performed on consumer products, to review the list of chemicals of high concern and to provide recommendations to the state agencies.

1. Appointment; composition. The board consists of 5 voting members, appointed by the Governor as set out in this subsection:

A. One member who holds an advanced degree in toxicology;

B. One member who holds an advanced degree in epidemiology;

C. One member who represents the interests of business and commerce;

D. One member who represents the Department of Health and Human Services, Maine Center for Disease Control and Prevention; and

E. One member who represents the Department of Environmental Protection.

2. Terms. Members are appointed for staggered terms of 3 years.

3. Compensation. Members are entitled to compensation for expenses according to Title 5, section 12004-I, subsection 24-G.

4. Quorum; actions. A quorum is 3 members. An affirmative vote of the majority of the members present at a meeting is required for any action. Action may not be considered unless a quorum is present.

5. Chair. The Governor shall appoint one member to serve as chair.

6. Meetings. The board shall meet at least 2 times per year and at any time at the call of the chair or upon written request to the chair by 4 of the voting members.

7. Staff support. The state agencies shall provide the board with staff support.

8. Duties; powers. The board shall review testing, including scientific risk assessment, that has been performed to determine the presence of chemicals of high concern in children's products. The board may recommend further testing, including different methods of testing, to be performed by the state agencies.

Sec. 3. Collaboration with federal agencies. By November 15, 2008, the Department of Environmental Protection and the Department of Health and Human Services, Maine Center for Disease Control and Prevention, referred to in this section as "the state agencies," shall consult with the United States Environmental Protection Agency, the National Institutes of Health, the National Institute of Environmental Health Sciences and the United States Consumer Product Safety Commission, jointly referred to in this section as "the federal agencies," regarding the scope of current and planned federal activity relating to the safety of chemicals used in consumer products. The state agencies shall also seek comment from the federal agencies on the list of chemicals of high concern. The state agencies shall use the information provided by the federal agencies to identify areas where action by the State is practical and necessary. For

purposes of this section, "chemical," "chemical of high concern" and "consumer product" have the same meanings as in the Maine Revised Statutes, Title 38, section 1691.

Sec. 4. Report. By February 1, 2009, the Department of Environmental Protection and the Department of Health and Human Services, Maine Center for Disease Control and Prevention, referred to in this section as "the state agencies," shall submit to the joint standing committee of the Legislature having jurisdiction over natural resources matters a report detailing the collaborative efforts between the United States Environmental Protection Agency, the National Institutes of Health, the National Institute of Environmental Health Sciences and the United States Consumer Product Safety Commission and the state agencies. The report must also include recommendations for state action relating to the regulation of chemicals in consumer products, specific details of resources available to the state agencies to implement the recommendations and budget projections for implementing the recommendations for the next 2 bienniums.

Sec. 5. Staggered terms. Notwithstanding the Maine Revised Statutes, Title 38, section 1693, subsection 2, of the initial members appointed to the Scientific Assessment Review Board, the member appointed pursuant to Title 38, section 1693, subsection 1, paragraph A is appointed for one year and the members appointed pursuant to paragraphs B and C are appointed for 2 years.

Sec. 6. Appropriations and allocations. The following appropriations and allocations are made.

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

Remediation and Waste Management 0247

Initiative: Provides funds for one Toxicologist position, contractual services and general operating expenses required to carry out the purposes of this Act.

GENERAL FUND	2007-08	2008-09
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$77,259
All Other	\$0	\$83,673
GENERAL FUND TOTAL	\$0	\$160,932

Amend the amendment by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment removes all the provisions of Committee Amendment "A" regarding the identification of priority chemicals, including the development of the list, requirement to disclose, sales prohibition and determination of safer alternatives. This amendment maintains the requirement in Committee Amendment "A" that the Department of Environmental Protection in consultation with the Department of Health and Human Services, Maine Center for Disease Control and Prevention publish a list of chemicals of

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 1432, L.D. 2048

high concern but adds a requirement that any existing or needed scientific risk assessments required to determine human health effects at relevant exposure levels be identified by the department and the center.

This amendment establishes the Scientific Assessment Review Board to serve as a review body to assess the testing that has been performed on consumer products and to review the list of chemicals of high concern and to provide recommendations to the department and the center regarding further testing, including different methods of testing.

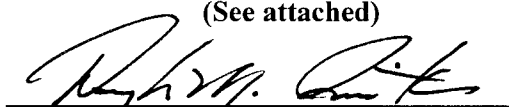
This amendment requires the department and the center to collaborate with certain federal agencies regarding the scope of current and planned federal activity relating to the safety of chemicals used in consumer products and to seek comment from the federal agencies on the list of chemicals of high concern. The department and the center are required to use the information provided by the federal agencies to identify areas where action by the State is practical and necessary.

Finally, this amendment requires the department and the center to submit a report to the 124th Legislature that includes recommendations for state action relating to the regulation of chemicals in consumer products, specific details of resources available to the state agencies to implement the recommendations and budget projections for implementing the recommendations for the next 2 bienniums.

FISCAL NOTE REQUIRED

(See attached)

SPONSORED BY:



(Senator SMITH, D.)

COUNTY: Piscataquis

FISCAL NOTE REQUIRED

(See Attached)



Approved: 04/07/08 *MRC*

123rd MAINE LEGISLATURE

LD 2048

LR 2877(05)

An Act To Protect Children's Health and the Environment from Toxic Chemicals in Toys and Children's Products

Fiscal Note for Senate Amendment "*A*" to Committee Amendment "A"

Sponsor: Sen. Smith, D. of Piscataquis

Fiscal Note Required: Yes

Fiscal Note

	2007-08	2008-09	Projections 2009-10	Projections 2010-11
Net Cost (Savings)				
General Fund	\$0	\$160,932	\$47,263	\$5,000
Appropriations/Allocations				
General Fund	\$0	\$160,932	\$47,263	\$5,000

Fiscal Detail and Notes

This legislation includes a General Fund appropriation to the Department of Environmental Protection of \$160,932 in fiscal year 2008-09 to provide funds for a Toxicologist position, contractual services and general operating expenses required to carry out the purposes of this act.