

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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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

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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:

