

# **Recent and Emerging State Chemical Laws**

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## Agenda

- Laws that have recently passed
- Laws still under consideration
- Questions

# Bills Recently Passed

- Washington
- Oregon
- New York
- Vermont

# Washington

## **SB 5135 Pollution Prevention for Healthy People and Puget Sound Act**

- Passed into law in 2019
- Expands the Children's Safe Products Act to cover all consumer products
- Adds a few additional guardrails on what the Department of Ecology can do

## **Washington's First Five Priority Chemicals in Priority Products**

- Flame Retardants in EEE casings
- PCBs in printing inks
- PFAS in carpets and aftermarket carpet treatments
- Phenolic Compounds (BPA) in food packaging, laundry detergent, and thermal paper
- Phthalates in vinyl flooring and fragrances in personal care products

# Oregon

## **Oregon Health Authority Third Rulemaking for the Toxic Free Kids Act**

- Rulemaking focused on phasing chemicals out
- Upon the third report of any chemical in a mouthable product, children's cosmetic, or product for kids under the age of 3 the manufacturer must either:
  - Quit using the chemical and notify OHA they've done so
  - Substitute the chemical
  - Apply for a waiver to continue using the chemical
- If substituting a chemical the manufacturer must complete an alternatives assessment that shows the substitute is less hazardous using GreenScreen or OHA-approved methodology
- Delayed roll out plan: release the rule in April, public hearings in May, and effective in June

# New York

## **SB 501 Toxic Chemicals in Children's Products Act and Chapter Amendments SB 7505B**

- Became law in 2020
- Requires for manufacturers to report children's products that contain a chemical designated a Chemical of Concern or High Priority Chemical
  - The list must be promulgated within 2 years and reporting starts 12 months after that
  - Waivers from reporting can be obtained for high priority chemicals
- Chemicals must be reported at the Practical Quantification Limit (PQL) or when above a contaminant level that will be decided later via rulemaking
- Establishes a Children's Product Safety Council which will provide credible scientific evidence that the department must rely on

# New York

## SB 501 Continued

- Allows the Department to designate new chemicals and regulate high priority chemicals
- Law will ban children's products with the following three intentionally added chemicals starting January 1<sup>st</sup> 2023:
  - Tris(1,3 Dichloro-2-propyl) phosphate (CAS: 13674-87-8)
  - Benzene (CAS: 71-43-2)
  - Asbestos (CAS: 1332-21-4)

# Vermont

## **SB 55 An Act Relating to the Regulation of Toxic Substances and Hazardous Materials, as well as subsequent rulemaking**

- Passed into law in 2019
- Expands on the existing Chemicals of High Concern in Children's Products Rule by:
  - Requiring reporting products at the UPC level (was brick)
  - Shifting to an annual reporting schedule (was biannual)
  - Grants the Commission authority to require labeling to restrict chemicals
- First new reporting period starts August 31<sup>st</sup> 2020 and then annually thereafter



# Bills Under Consideration

- New Jersey
- Maine
- Vermont
- Vermont, again
- Massachusetts

# New Jersey

## **SB 1203 (was SB 4026 in 2019)**

- Nearly identical to New York's SB 501 as originally introduced
- Will require manufacturers of children's products to report if they contain chemicals of concern or dangerous chemicals
  - Reporting due 12 months after a chemical is added to either list
- Chemicals will be banned from products automatically three years after being added to the chemicals of concern list
  - The chemicals already on the "dangerous chemicals" list are banned after 3 or 4 years
- New Jersey's legislature is in session, but preoccupied with Covid19. This bill has not advanced since it was introduced

# Maine

## **LD 2147 Reporting of Perfluoroalkyl Substances (PFAS) in Products and of Discharges of Firefighting Foam**

- Requires manufacturers to report on any product or component with intentionally added PFAS sold in the state starting January 1<sup>st</sup> 2023.
  - This is any of the >4,700 known PFAS chemicals
- Enables the Department of Environmental Protection to either issue a statement of compliance or to notify all resellers to stop selling non-compliance products in 30 days
- Maine's legislature is indefinitely suspended due to Covid19 but all legislation will carry over to a special session at a later date

# Vermont

## **H 928 An Act Relating to Health and Safety Warnings on Consumer Products Containing Perfluoroalkyl and Polyfluoroalkyl Substances**

- Would Require any clothing containing any PFAS chemical to be labeled with a health and safety warning

## **S.295 An act relating to restrictions on perfluoroalkyl and polyfluoroalkyl substances and other chemicals of concern in consumer products**

- Would add all PFAS chemicals to the list of chemicals of high concern to children (and thus require reporting these chemicals if in children's products)
- Vermont is in session, but preoccupied with Covid19

# Massachusetts

## **S 149 An Act Relative to the Disclosure of Toxic Chemicals in Children's Products**

- Will require manufacturers to report any children's product that contains a chemical of concern
- Unlike other state reporting laws, this one doesn't propose any chemical bans or restrictions
- Bill was introduced in 2019 and has barely advanced. Massachusetts' legislature is currently only meeting informally to advance emergency Covid19 legislation

Questions?

# Selection of helpful links

- Washington DoE Safer Products For Washington [Website](#)
- [Washington Chapter 70.365 RCW](#)
- Washington DoE Safer Products for Washington Implementation Plan [Website](#)
- Oregon Health Authority Toxic Free Kids Act [website](#)
- Link to [SB7505B](#) the New York budget that contains the version of SB 501 passed into law
- Health Vermont website with laws, regulations, and list of chemicals [Link](#)
- New Jersey [No.2104/SB1203](#)
- Maine [LD 2147](#)
- Vermont [H928](#)
- Vermont [S295](#)
- Massachusetts S 149 legislation [link](#)