

LD 2048, An Act to Protect Children's Health and the Environment from Toxic Chemicals in Toys and Children's Products (sponsored by House Majority Leader Hannah Pingree).

Lawmakers in the Maine House and Senate have voted overwhelmingly in support of LD 2048, a bill aimed at protecting children's health from unnecessary and dangerous chemicals in everyday consumer products. The bill requires Maine to adopt a list of priority chemicals of high concern, forces manufacturers to disclose the toxic chemicals they add to products, and authorizes the state to require safer alternatives.

Today, the Maine Legislature enacted a hazard-based, comprehensive chemical policy to drive safer alternatives to dangerous chemicals in consumer products, by an overwhelming margin (129-9 in House, 35-0 in Senate). The bill embodies the precautionary principle in statute and rejects risk assessment. The Governor is expected to sign the bill. See news release below. Six floor amendments slightly narrowed its scope or clarified the bill; none of the seven bad chemical industry amendments were even offered up for a vote. The final amended version of the bill is not on-line yet. A brief policy synopsis follows below.

Broad Scope: Covers "children's products" which are defined to include both products intentionally marketed for children and any other consumer product containing a chemical of high concern that may expose or child or fetus through use or disposal of the product. Products exempt from the bill include drugs, pesticides, food, beverages, tobacco, paper or forest products, motor vehicles (except car seats), watercraft, food & beverage packaging except when the product is intended for children under age three (therefore, infant formula or baby food IS included in the bill) and fuels.

Chemicals of High Concern. By Jan. 1, 2010, the State shall publish a list of chemicals of high concern, which have been identified by another government as a known or likely carcinogen, reproductive or developmental toxicant or endocrine disruptor; persistent, bioaccumulative and toxic; or very persistent and very bioaccumulative. The list may be revised periodically. Some good lists are included at the end of the bill for consideration.

Priority Chemicals. By Jan. 1, 2011, the State shall designate at least 2 chemicals of high concern (or groups of similar chemicals) as priority chemicals based on triggering one or more exposure-related criteria: found in humans through biomonitoring; found in indoor environment (dust, water, air, etc.), found in fish, wildlife or environment; present in consumer products in the home; high production volume chemical; or sale or use has already been banned in another state. The list is reviewed every three years and may be revised. The list will be adopted through rulemaking.

Manufacturer Disclosure. Not later than 6 months after a priority chemical is named, a manufacturer or distributor must report to the state on which products they sell in the state contain the priority chemical, the number of units sold, the amount of the chemical and its purpose. The state is also granted authority to require submittal by the

manufacturer or distributor of information on the likelihood of chemical releases from the product, any biomonitoring or environmental data, and alternative analyses on availability, cost, feasibility and performance and safety of alternatives to the priority chemical. The state is also authorized to assess fees to pay for managing the information collected and to prepare an independent alternatives assessment if the manufacturer does not produce a requested one that's acceptable to the state. The fees require rulemaking and legislative approval.

Safer Alternatives. The State is authorized to restrict the sale of a product for specific uses if it contains a priority chemical, if they find that distribution of the product directly or indirectly exposes children and vulnerable populations to the priority chemical, and that one or more safer alternatives to the priority chemical are available at a comparable cost. Rulemaking and approval of the Legislature are required. If there is more than one safer alternative, they can require the one that is least toxic to human health or least harmful to the environment. The State may presume that safer alternatives are available if the alternative is not a chemical of high concern, if the priority chemical has been banned by another state, if the product containing the priority chemical is an item of apparel or a novelty and if the alternative is sold within the United States. A compliance plan is required within six months of the effective date of a prohibition on the sale of the product. Waivers from the restrictions not to exceed five years can be applied for and granted if the manufacturer demonstrates that the use of an alternative is not feasible.

Interstate Clearinghouse. The State is authorized to participate in an interstate clearinghouse to promote safer chemicals in consumer products. The State may cooperate through the clearinghouse to classify existing chemicals into one of four categories defined in statute: chemicals of high concern, chemicals of moderate concern, chemicals of unknown concern and chemicals of low concern.

Miscellaneous. The State can also prohibit the sale of a product containing a priority chemical if the manufacturer or distributor fails to comply with the reporting requirement. The State is authorized to accept donations, grants and other funds to carry out the purposes of the bill. Declares it state policy "to reduce exposure of children and other vulnerable populations to chemicals of high concern by substituting safer alternatives when feasible."

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Maine Legislature Passes Kid-Safe Products Bill Overwhelming Support for Chemical Policy Reform Lawmakers in the Maine House and Senate have voted overwhelmingly in support of LD 2048, a bill aimed at protecting children's health from unnecessary and dangerous chemicals in everyday consumer products. The bill requires Maine to adopt a list of priority chemicals of high concern, forces manufacturers to disclose the toxic chemicals they add to products, and authorizes the state to require safer alternatives. "This is huge victory for children's health. The vote shows the overwhelming public support for safe products completely free of harmful chemicals," said Mike Belliveau, Executive Director of the Environmental Health Strategy Center, a Maine based public health organization. "There have been gaping holes in our laws that allow for the use of toxic chemicals in everything from rubber duckies to plastic baby bottles. Maine is now filling those gaps to ensure all of our products are safe for our children."

LD 2048, sponsored by House Majority Leader Hannah Pingree, continues Maine's national leadership on safer chemicals, building on past success in phasing out mercury, arsenic and toxic fire retardants in consumer products. By directing the State to require safer alternatives to chemicals that are inherently harmful, LD 2048 rejects chemical industry attempts to defend "acceptable risk" levels for toxic chemicals. Under the bill's hazard-based approach, if a chemical can harm the health of children and there is a safer alternative available, the hazardous chemical should be phased out of use in consumer products. The bill establishes Maine as a leader in safer chemicals policy reform, along with Washington state, which passed a similar bill this month, Massachusetts and California. Twenty-nine states are considering legislation this year to protect children's health from toxic chemicals in products "Parents were alarmed this summer when they discovered common toys contained lead, a toxin known to harm the developing brain. Upon closer inspection we've learned that lead is just the tip of the iceberg and that many chemicals that can harm healthy development are routinely used in consumer products. Wide gaps in our laws have failed to protect our kids. I applaud Maine Legislators for ensuring our State will now take action to ensure products are safe for our children," said Sandy Cort, a representative of the Learning Disabilities Association of Maine.

The Senate voted 35-0 today to enact LD 2048. Last night the House voted 129 to 9 in support of the bill. LD 2048 will now be sent to the Governor for signature. The bill creates a process for the state to take advantage of the best scientific research to phase out the use of chemicals that endanger children. LD 2048 will: establish lists of chemicals already known to harm children based upon independent science; prioritize the worst chemicals based on children's exposure, require manufacturers to disclose the use of these chemicals in products, share information with other states to work collaboratively to fill the gaps in the broken federal safety system for toxic chemicals,

and authorize Maine to phase out the use of dangerous chemicals when safer alternatives are available, effective and affordable.

The Maine Legislative votes came on a day when bisphenol A, a chemical widely used in consumer products such as plastic baby bottle and known to harm children came under fire from government scientists in the US and Canada. The National Toxicology Program reversed its previous opinion by declaring that bisphenol A may be linked to a number of serious reproductive and developmental problems that are common in the US population including breast cancer and early puberty. Health Canada has labeled bisphenol A a dangerous threat. The designation as dangerous could pave the way for the chemical to be listed as toxic under the Canadian Environmental Protection Act, which would allow for specific measures to curb its use. Children are particularly vulnerable to the harmful effects of toxic chemicals because their bodies are developing rapidly, and their systems are especially susceptible to the effects of toxic chemicals, even at very low doses. Children inevitably put toys in their mouths and ingest contaminated house dust, increasing their exposure.

LD 2048 is widely supported by an unprecedented coalition of Maine parents and organizations. Supporters include Maine Medical Association, the Maine Chapters of the Academy of Pediatrics, American Cancer Society, American Nurses Association, and American Lung Association, local toy stores and Maine based manufacturers including Red Dragon Toys, The Briar Patch Toy Store, Interface Fabric, and Tom's of Maine, the AFL-CIO, the Roman Catholic Diocese of Maine, and the Alliance for a Clean and Healthy Maine whose members include the Environmental Health Strategy Center, the Learning Disabilities Association of Maine, the Maine Conservation Voters Education Fund, Maine Council of Churches, Maine Labor Group on Health, the Maine Organic Farmers and Gardeners Association, the Maine Peoples Alliance, the Maine Women's Policy Center, the Natural Resources Council of Maine, Physicians for Social Responsibility, and Toxics Action Center.