



NATIONAL CONFERENCE *of* STATE LEGISLATURES

The Forum for America's Ideas

TESTIMONY OF
SENATOR MICHAEL MOORE
MASSACHUSETTS STATE SENATE

ON BEHALF OF THE
NATIONAL CONFERENCE OF STATE LEGISLATURES

REGARDING
CHEMICALS IN COMMERCE ACT – DISCUSSION DRAFT

BEFORE THE
COMMITTEE ON ENERGY AND COMMERCE
SUBCOMMITTEE ON ENVIRONMENT AND THE ECONOMY
UNITED STATES HOUSE OF REPRESENTATIVES

APRIL 29, 2014

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Chairman Shimkus, Ranking Member Tonko and distinguished members of the House Environment and the Economy Subcommittee, I am Senator Michael Moore, Member of the Massachusetts State Senate and a member of the National Conference of State Legislatures (NCSL). I appear before you today on behalf of NCSL, a bi-partisan organization representing the 50 state legislatures and the legislatures of our nation's commonwealths, territories, and the District of Columbia. I thank you for the opportunity to testify on the important issue of reforming the federal chemical regulatory program.

Mr. Chairman, NCSL is appreciative of your efforts to engage in the necessary work to reform our federal chemical regulatory program, which has not been updated since the Toxic Substances Control Act (TSCA) was enacted in 1976. NCSL believes reforming TSCA is important to reflect the advances in science and technology to better evaluate and regulate chemicals that have been developed since 1976. While NCSL encourages Congress to reform and modernize TSCA, we must insist that any changes to the existing statute do not eliminate, through sweeping federal preemption, states' abilities to protect the health and safety of their citizens.

As currently drafted, The Chemicals in Commerce Act (CICA) includes onerous preemption language that would handcuff states from acting against harmful chemicals to protect their population. CICA essentially ignores nearly 40 years of state policy in an attempt to provide a one-size-fits-all approach to toxic chemicals regulation. It is very disconcerting for me as a state policymaker to think that the good work done in my state and in other states to regulate toxic substances since 1976 will be nullified if this draft bill becomes law. To strip states' residents of protections enacted by their elected officials would be a serious breach of state sovereignty and would leave everyone more susceptible to increased harm from toxic chemicals.

Sections 5, 6, and 17 of CICA, would essentially eliminate the ability of state policymakers to regulate toxic chemicals at the state level by divesting all authority away from states and localities and placing this authority solely with the Administrator of the Environmental Protection Agency (EPA). The EPA would decide what constitutes a "significant new use" of a chemical substance, the notice requirements for the development of new chemical substances or mixtures and safety determinations would all be federalized under CICA, and the designation of

a chemical as “low” or “high” priority would also fall to the EPA. This approach would: (1) prevent states from establishing or continuing to enforce any state regulation of chemicals if the EPA has made a safety determination and priority designation of the chemical; (2) prohibit states from regulating or banning any new chemical when the EPA makes a safety determination, and, (3) eliminate states’ abilities to enact stricter or stronger laws than the federal government. States’ inability to go beyond federal requirements to protect health and safety is especially troubling and runs counter to current law which allows for states to regulate toxic substances in a manner that complements the federal scheme.

CICA may also have unintended and adverse consequences that extend into other areas of state environmental regulation, such as air and water pollution. CICA’s broad preemption language may also negate state laws directed towards air or water quality, because current language does not explicitly exempt such pollution laws. For example, the ambiguity of the CICA draft may preempt such laws as New York’s Mercury Reduction Program that regulates the amount of mercury in the air.

States have enjoyed a long history of co-regulation with the federal government in environmental protection and have made sound policy decisions benefitting the American people. We do not want to see such collaborative protections eroded, or in the case of CICA, completely eradicated. NCSL has long standing policy on environmental federalism that recognizes the need to preserve and strengthen uniform minimum federal standards for environmental protection while maintaining statutory authority for states to enact state environmental standards that are more stringent than minimum federal standards. There must surely be a more harmonious solution to update TSCA, which sorely needs reforming and harmonize our shared federal/state goals of protecting our citizens and regulating chemical substances than CICA.

In the absence of federal action to address issues related to TSCA implementation, many state legislatures have enacted legislation to regulate individual chemicals. States such as my own state of Massachusetts joined by California, Connecticut, Illinois, Maine, Michigan, Montana, New Hampshire, Ohio, Oregon, Tennessee, South Carolina, and Wisconsin have also developed comprehensive state chemical policies that aim to establish broad and permanent frameworks to systematically prioritize chemicals of concern, close data gaps on those chemicals and restrict

their uses in those states. More broadly, there are laws in 24 states that regulate toxic chemicals. The CICA would preempt those state laws, rendering them useless, and would prevent states from regulating chemicals in the future.

In my home state of Massachusetts we have enacted many laws aimed at protecting our citizens from harmful chemicals and pollutants which are all now in jeopardy under CICA. My state of Massachusetts has laws on the books that ban the sale of mercury-added products; laws that regulate lacquer sealers and flammable floor products; and a comprehensive chemicals management scheme, that requires companies that use large quantities of particular toxic chemicals to evaluate and plan for pollution prevention, implement management plans if practical, and annually measure and report the results.

As an environmental police officer I worked under the office of the State Attorney General's Environmental Strike Force to investigate environmental crimes associated with illegal chemical practices. During my 18 years there, I participated in every facet of criminal investigations, from investigating crime scenes, to examining corporate manifests and records, to serving search warrants for criminal, civil and administrative proceedings. The state plays an essential role as the primary investigative authority in these matters, often coordinating with several federal and state organizations to ensure a safe and efficient response. For 18 years my colleagues and I were tasked with holding individuals and companies responsible for their violations of state chemical laws. These were not investigations into trivial incidents, but cases that required strong state action to serve justice. In 1993, I was involved with a case in which a metal manufacturing plant failed to use standard procedures when disposing of residual sodium, resulting in an explosion. Upon the arrival of first responders, firefighters attempting to quell the blaze were significantly injured due to several failures by the company. This included a failure to warn responding officers about the current state of the involved chemical, which explodes upon contact with water. When firefighters began containment procedures, several were critically burned through their protective gear by the reacting chemical. Through the Attorney General's Strike Force, Massachusetts was able to hold the responsible party accountable, and bring justice to those injured in the incident. Without state participation, enforcement of a comprehensive chemical policy would be nearly impossible, current language would drastically hinder state enforcement.

By eliminating the ability of state's to enforce laws that are comparable to the federal standards, the responsibility of holding violators responsible would fall solely on the federal government, despite established state organizations that have been proven successful. States embrace the opportunity to provide improved safety for their residents and the environment, but preemption language in this draft significantly endangers that enforcement ability.

As I shifted the focus of my public service to that of a legislator, it became even more apparent how intricately states must be involved in chemical policy. I commend the Subcommittee for their commitment to businesses and interstate commerce in this draft, and understand the motivations for a uniform federal chemical policy to promote those goals. However, the advancement of these ideas cannot come at the expense of public and environmental safety. The TCSA has not been updated for nearly 40 years, and states have acted to pass laws that complement the federal policy. This action may have been motivated by a desire to regulate a chemical like mercury that is acknowledged as dangerous, but fails to meet the current federal standards. Or they could have been passed to address a specific need relating to an industry with greater prevalence in one state. While the reasoning behind specific bills may change, they are all passed with the welfare of the public in mind. Beyond the host of Massachusetts laws that provide increased protection from toxic chemicals, several communities in my district are currently experiencing difficulties and costs associated with federal preemption of chemical laws at rail yards. I share the resident's belief that their proximity to a potential spill entitles them to a measure of involvement in ensuring chemical safety. When 100 gallons of a chemical called styrene, which is used in the manufacture of Styrofoam, were spilled in one of these preempted yards, a cooperative effort of rail yard employees and workers from state and municipal agencies was responsible for the cleanup. The incident was handled safely and professionally by all involved parties with only minor complaints of irritated eyes and lingering smells. However, if a rail yard is federally preempted from state law, the citizens of those communities have no recourse to protect their homes and families from future spills. There must be a balance struck between the benefits of interstate commerce and the need for public safety. State legislatures have and must continue to have a role in chemical policy in order to reach that balance.

Modernizing TSCA

NCSL encourages Congress to reform and modernize TSCA but does not believe the current discussion draft adequately accomplishes this goal. At a minimum, NCSL believes proposed TSCA reform legislation should embody the elements outlined in NCSL's Federal Chemical Policy Reform Policy Directive:

- **States Rights:** State governments play a critical role in environmental regulation. For nearly all federal environmental statutes, there are provisions to extend the reach of the federal government by delegation of program authority and/or provision of federal grants to support state implementation of environmental requirements in lieu of or in addition to the federal requirements. Any reform of TSCA should preserve state rights to manage chemicals, and resources should be provided for state level implementation.
- **Act on the Harmful Chemicals First and Promote Safer Alternatives:** Persistent, bioaccumulative and toxic chemicals (PBTs) are uniquely dangerous and should be phased out of commerce except for critical uses that lack viable alternatives. Exposure to other toxic chemicals, like formaldehyde, that have already been extensively studied should be reduced to the maximum extent feasible. Research into chemicals and chemical processes designed to reduce or eliminate negative environmental impacts of chemicals should be expanded, and safer chemicals favored over those with known health hazards.
- **Ensure Broad Access to Mandatory Safety Data on All Chemicals:** Chemical manufacturers should bear the burden of proof of safety of their products, and should be required to provide full information on the health hazards associated with their chemicals, how they are used, and the ways that the public or workers could be exposed. The public, workers, and businesses should have full access to such information.
- **Protect All People, and Vulnerable Groups, Using the Best Science:** All chemicals should be assessed against a health standard that protects all people and the environment, especially the most vulnerable subpopulations, including children, low-income people, racial and ethnic minorities, workers, and pregnant women. EPA should adopt the recommendations of the National Academy of Sciences for reforming risk assessment.

Biomonitoring by the Centers for Disease Control and Prevention should be significantly expanded and used by EPA to assess the effects of pollution on people.

Modernizing TSCA can help assure that we protect the nation's interest in a strong American business of chemistry – and assure that the United States produces products that save lives, protect our children, make our economy more energy efficient, and reduce greenhouse gas emissions. While NCSL wholeheartedly supports the need for toxic chemical reform legislation, we must oppose any bill that so egregiously preempts states laws.

NCSL is encouraged by the fact that the Chairman has released this language as a draft, and hopes the committee will continue to engage in meaningful discussion with the states before introducing TSCA reform legislation that would preempt state laws. NCSL staff stands ready to work with this subcommittee if it moves forward with formal legislation on TSCA. Thank you again for the opportunity to provide a voice for the importance of state sovereignty in protecting the health and welfare of our citizens against harmful chemicals. I look forward to questions from members of the subcommittee.

Appendices:

NCSL Federal Chemical Reform Policy

NCSL Environmental Federalism Policy

State Laws Chart



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Federal Chemical Policy Reform Policy Directive

NCSL Natural Resources and Infrastructure Standing Committee

The Toxic Substances Control Act (TSCA) of 1976 provides the US EPA with authority to require reporting, record-keeping and safety testing of chemical substances and/or mixtures. TSCA also gives EPA the power to restrict the use of chemicals. Certain substances are generally excluded from TSCA, including food, drugs, cosmetics and pesticides.

Since its enactment, increasing evidence linking toxic chemicals to adverse human health effects has eroded the public's confidence in the safety of consumer products containing toxic chemicals, prompting many state legislatures to act. In the absence of Federal action, states have passed legislation to regulate individual chemicals. States have also begun to develop comprehensive state chemical policies that aim to establish broad and permanent frameworks to systematically prioritize chemicals of concern, close data gaps on those chemicals and restrict their uses in those states. Appropriate modifications to federal law will help enhance public confidence and the efforts of the state governments.

Current federal chemical policy has not kept up with modern science. The science of testing chemicals and understanding their health or environmental effects has improved considerably since TSCA was enacted. NCSL believes TSCA should be updated to reflect the advances in science and technology to better evaluate and regulate chemicals.

TSCA's failures have caused the United States to fall behind our trading partners in the quality of our public health and environmental standards, and these failures now threaten the competitiveness of our manufactured products in a world market that increasingly demands safer chemicals and products.

Modernizing TSCA can help assure that we protect the nation's interest in a strong American business of chemistry – and assure that the United States produces products that save lives, protect our children, make our economy more energy efficient, and reduce greenhouse gas emissions.

Toxic Substances Control Act (TSCA) Reform

NCSL encourages Congress to reform and modernize The Toxic Substances Control Act (TSCA) of 1976. At a minimum, NCSL believes proposed TSCA reform legislation should embody these policy elements:

Act on the Harmful Chemicals First and Promote Safer Alternatives

Persistent, bioaccumulative and toxic chemicals (PBTs) are uniquely dangerous and should be phased out of commerce except for critical uses that lack viable alternatives. Exposure to other toxic chemicals, like formaldehyde, that have already been extensively studied should be reduced to the maximum extent feasible. Research into chemicals and chemical processes designed to reduce or eliminate negative environmental impacts of chemicals should be expanded, and safer chemicals favored over those with known health hazards.

Ensure Broad Access to Mandatory Safety Data on All Chemicals

Chemical manufacturers should bear the burden of proof of safety of their products, and should be required to provide full information on the health hazards associated with their chemicals, how they are used, and the ways that the public or workers could be exposed. The public, workers, and businesses should have full access to such information.

Protect All People, and Vulnerable Groups, Using the Best Science

All chemicals should be assessed against a health standard that protects all people and the environment, especially the most vulnerable subpopulations, including children, low-income

people, racial and ethnic minorities, workers, and pregnant women. EPA should adopt the recommendations of the National Academy of Sciences for reforming risk assessment. Biomonitoring by the Centers for Disease Control and Prevention should be significantly expanded and used by EPA to assess the effects of pollution on people.

States Rights

State governments play a critical role in environmental regulation. For nearly all federal environmental statutes, there are provisions to extend the reach of the federal government by delegation of program authority and/or provision of federal grants to support state implementation of environmental requirements in lieu of or in addition to the federal requirements. Any reform of TSCA should preserve state rights to manage chemicals, and resources should be provided for state level implementation.

Toxics Release Inventory Reform

NCSL urges the EPA to continue to provide appropriate contextual materials to affected communities to accompany Toxics Release Inventory (TRI) reports to assure particularly that emergency response agencies will understand and be able to respond safely to chemical releases to protect the people who live in the vicinity of facilities required to file TRI reports.

The EPA and the reporting industries should continue working to ensure that the reported TRI data are communicated to the public in an understandable manner that includes a description of the risk of release specific chemicals posed to the public and emergency response teams, how these materials are managed to control release, and an assessment of the risk to public health and welfare in the event of regulated or accidental releases.



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Environmental Federalism Policy Directive

NCSL Natural Resources and Infrastructure Standing Committee

The National Conference of State Legislatures (NCSL) urges the federal government to renew its commitment to the state-federal partnership for environmental protection.

State governments, acting in partnership with the federal government, play an indispensable role in our mutual effort to protect natural resources and combat environmental degradation and pollution. State implementation of federal law is the cornerstone of our current system of environmental protection. States are particularly dependent upon federal pollution control laws to address the interstate migration and effects of pollutants. Given the increasing trend of delegating more authority to the states, it is essential that the federal government not abandon its commitment to uniform minimum federal standards, the state-federal partnership and the very laws and agencies that guarantee the success of our partnership.

In furtherance of the above, the following principles should guide NCSL's federal lobbying efforts with respect to the state-federal environmental partnership:

- NCSL supports the prevention of pollution at its source and believes that federal legislation and regulation, through delegated authority to the states, should encourage the implementation of activities designed to minimize the generation of hazardous pollution by regulated entities.

- NCSL further supports federal funding of pollution prevention research and development, training, technical assistance, and regulatory guidance for states.
- The present level of commitment and funding for natural resource and environmental protection efforts should be enhanced; specifically, the federal government should prevent efforts to further erode its commitment to provide technical support, research and financial assistance to states and avoid further cost shifts to the states.
- The federal government should provide funding to the states in the form of block grants that provide for maximum state flexibility to use federal monies in the manner which they deem proper and in a manner which is consistent with their intended purpose.
- Environmental protection should be based on a holistic comprehensive, flexible and integrated program that addresses environmental issues, the nation's broader economic prosperity, and policies that ensure long-term energy affordability & reliability.
- Uniform minimum federal standards for environmental protection should be preserved and strengthened.
- Statutory authority for states to enact state environmental standards that are more stringent than their minimum federal counterparts should be maintained and renewed.
- Within the framework of uniform minimum federal standards, states should have maximum flexibility in devising approaches and methods for obtaining compliance with such standards. The federal government should adopt performance-based standards which prescribe the end to be accomplished and leave the means of obtaining the end up to individual states. In return for this new level of autonomy, the federal government should adopt a system of performance audits and objectively quantifiable benchmarks that would allow the federal government to certify state performance results in meeting uniform minimum federal standards.
- Implementation schedules established under the framework of uniform minimal federal standards should ensure that the time to deploy emissions control technology reflects normal construction industry experience, technology availability and practices that maximize order and efficiency to avoid wasteful financial expenditures and any risks to energy reliability.

- Within this framework, states should have the flexibility to work with utilities to coordinate the closure and retrofitting of existing power generation stations in a manner that will ensure the continued supply of electricity and that will allow power generators to upgrade their facilities in a manner that provides reasonable cost while attaining environmental compliance. State flexibility should allow for regulatory options for units that are necessary for grid reliability, that commit to retire or repower and establishing interim progress standards that ensure generation units meet EPA regulations in an orderly, cost-effective manner.
- There should be consistent, uniform and vigorous federal enforcement of environmental laws to deter non-compliant behavior and to reward those who are acting in compliance with such laws. The federal government should continue its present role of overseeing the efficacy of state efforts to enforce uniform minimal federal environmental protection standards.
- In light of the Supreme Court rulings in *Seminole Tribe of Florida v. Florida* and *Alden v. Maine*, which suggest that citizens will no longer be able to sue states in federal court for violations of federal environmental protection laws, the federal government needs to allocate adequate resources to ensure compliance among the states.
- Cost-benefit analysis should be performed in environmental decision making. Sound public policy decision making demands that benefits should be proportionate to costs, after factoring in the totality of the circumstances. However, cost-benefit analysis should not be the only determinative factor in any environmental decision making process. Rather, such an analysis should be one of the many tools that inform decision makers in formulating sound public policy. In the face of uncertainty in devising analytical methods, any default assumptions that are employed should favor enhanced environmental protection.
- In order to finance environmental protection efforts, Congress should create funding mechanisms that consistently generate revenue solely for such uses. All monies from such funds should be fully appropriated for their intended uses.

- NCSL supports a citizen's right to access public information. NCSL supports "right-to-know" laws and other statutory and regulatory mechanisms that readily provide public access to public information while acknowledging the need to balance this right with security concerns relating to the distribution of sensitive material such as water security information regarding water infrastructure and sources of supply.
- NCSL supports the preservation of state authority to enforce chemical security standards that are more stringent than those established by the federal government; finally.
- NCSL opposes any attempt to preempt or circumvent the authority of state courts and local administrative bodies. Proposed federal legislation that would centralize decision-making in the Federal courts for compensation for land use and other regulatory actions represents a major threat to our Constitutional system of federalism. Improving the efficiency of the state and local judicial process is an issue for state legislatures, not Congress. Land use and regulatory policy must remain a primary responsibility of the states. The authority of state courts must be preserved.
- In acknowledgement of the unique needs and concerns of the arctic ecosystem that is undergoing rapid environmental change and extensive exploration for natural resources, the NCSL urges ratification of the United Nations (UN) Convention on the Law of the Sea, negotiated in 1982, and of the Treaty on Persistent Organic Pollutants, adopted by the U.S. in 2001 but never ratified.
- NCSL believes federal environmental health regulations require more and better data about the unique exposure patterns and sensitivities of children who are uniquely vulnerable to environmental exposures because they are in a dynamic state of growth, with many vital systems not fully developed upon birth.
- NCSL supports consideration of the sensitivity of children to environmental contamination in all federal environmental policy, legislation, and regulation.
- NCSL supports federal funding for health research on the effects of exposure of children to environmental toxicants, and consistent reporting and tracking of birth defects, cancer, and other relevant diseases in children.



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State Laws address Chemical Control and Commerce

Total Number of Statutes Identified

72

State Statutes Regulating BPA			
# ST	11	# Statutes	12
ST		Citation	Summary
CA		Cal. Health & Safety Code §§ 108940-108941	Prohibits the manufacture, sale or distribution of bottles or cups which contain BPA at a detectable level above 0.1 parts per billion if the containers are designed to be used by children three years of age or younger. Requires manufactures to replace BPA in these products with the least toxic alternative and prohibits them from replacing BPA with certain carcinogens or reproductive toxicants. California's restrictions took effect July 1, 2013.
CT		Conn. Gen. Stat. § 21a-12b to 12c	Bans the manufacture, sale or distribution of reusable food or beverage containers—including baby bottles, spill-proof cups, sports bottles and thermoses—that contain BPA. The law also bans the manufacture, sale or distribution of baby food or infant formula sold in containers that contain BPA.
		Conn. Gen. Stat. §§ 21a-12e	Prohibits the manufacture, sale or distribution of thermal receipt paper or cash register receipt paper containing BPA. The restrictions took effect October 1, 2013, unless the U.S. Environmental Protection Agency does not identify a safe alternative to BPA in these products by that date
DE		6 Del. C. § 2509	Prohibits the sale of bottles or cups containing BPA if those containers are designed for use by children under four years of age.

IL		410 ILCS 44/10	Prohibits the sale of children’s food or beverage containers that contains bisphenol A. Children’s food or beverage containers means “an empty bottle or cup to be filled with food or liquid that is designed or intended by a manufacturer to be used by a child” less than 3 years of age.
ME		Me. Rev. Stat. Ann. tit. 38, §§ 1691; Resolve No. 2011-25	Approves the designation of BPA as a priority chemical under the state’s toxic chemicals in children’s products law (38 MRSA §1691 et al.). This law establishes certain reporting requirements for manufacturers of products containing priority chemicals and authorizes sales prohibitions of these products.
MD		Md. Code Ann., Health-Gen. §§ 24-304	Prohibits the manufacture, sale, or distribution of children’s bottles or cups that contain BPA after January 1, 2012. The law requires manufactures to replace BPA in these products with the least toxic alternative and prohibits them from replacing BPA with certain carcinogens or reproductive toxicants.
			Prohibit the manufacture, sale and distribution of containers of infant formula containing more than 0.5 parts per billion of BPA. The amended law also prohibits the state from purchasing infant formula in containers made with BPA.
MN		Minn. Stat. §§ 325F.173-175 (2009).	Prohibits the sale of any bottle or cup that is designed or intended for use by a child under three years of age and contains BPA. The ban applies to manufacturers and wholesalers beginning on January 1, 2010 and to retailers on January 1, 2011.
NY		N.Y. Envtl. Conserv. Law § 35-0501 (2010).	Prohibits the sale of pacifiers, baby bottles, sippy cups and other unfilled beverage containers for use by children under three years of age that contain BPA after December 1, 2010. The law also allows products to be labeled as BPA-free.

VT		18 V.S.A. §1512	Prohibits the manufacture, sale or distribution of reusable food or beverage containers such as baby bottles, spill-proof cups, sports bottles, and thermoses that contain BPA after July 1, 2012. The law also bans baby food and infant formula stored in BPA-containing plastic containers or jars after July 1, 2012, and in BPA-containing jars after July 1, 2014. The law requires manufactures to replace BPA in these products with the least toxic alternative and prohibits them from replacing BPA with certain carcinogens or reproductive toxicants.
WA		RCWA 70.280.010 to .060	Prohibits the manufacture, sale or distribution of empty bottles, cups or other food or beverage containers that contain BPA after July 1, 2011. Metal cans are exempted from this ban. The law also prohibits the manufacture, sale or distribution of empty sports bottles of 64 ounces or less that contain BPA after July 1, 2012. A provision of the law requires manufacturers to recall prohibited products and reimburse the retailer or any other purchaser for the product.
WI		Wis. Stat. § 100.335 (2010).	Prohibits the manufacture or sale at wholesale and retail of empty baby bottles and spill-proof cups for use by children 3 years of age or younger that contain BPA after June 15, 2010. Manufacturers of these products also must conspicuously label each product as not containing BPA.

Biomonitoring			
# ST	3	# Statutes	3
ST		Citation	Summary
CA	California Environmental Contaminant and Biomonitoring Program	Cal. Health & Safety Code §§ 105440-105459	Requires the California State Department of Health Services, in collaboration with the California Environmental Protection Agency, to establish the California Environmental Contaminant Biomonitoring Program to monitor the presence and concentration of designated chemicals in Californians. Requires the Department and the Agency to establish a Scientific Guidance Panel to assist the Department and the Agency. Requires the Department to provide public access to

			information and to report to the Legislature and the public.
IL	Biomonitoring Feasibility Study Act	110 ILCS 337/1; H.B. 680, 95th Gen. Assemb., Reg. Sess. (Ill. 2007)	Requires the University of Illinois at Chicago (UIC), Great Lakes Center for Occupational and Environmental Safety and Health to conduct an Environmental Contaminant Biomonitoring Feasibility Study that proposes the best way to establish an Illinois Environmental Contaminant Biomonitoring Program. Requires the Department of Public Health and the Environmental Protection Agency to establish a Scientific Guidance Panel that shall make recommendations regarding the design and implementation of the Program. Requires UIC to release a draft report, containing findings of the Feasibility Study, recommended activities, and costs of establishing the program, for public review and comment and for review by the Panel.
MD	Dept of Health and Mental Hygiene - Biomonitoring Program	Chap. 394, H.B. 181, 427th Gen. Assemb., Reg. Sess. (Md. 2010).	Requires the Department of Health and Mental Hygiene, in consultation with the Department of the Environment, to study the feasibility of establishing a biomonitoring program to monitor the presence and concentration of designated chemicals in residents of Maryland.

Green Chemistry			
# ST	6	# Statutes	12
ST		Citation	Summary
CA		Cal. Health & Safety Code §§ 25252, 25252.5, 25253, 25254, 25255, 25257	Establishes authority for the Department of Toxic Substances Control (DTSC) to develop regulations that create a process for identifying and prioritizing chemicals of concern and to create methods for analyzing alternatives to existing hazardous chemicals. Allows DTSC to take certain actions following an assessment that range from "no action" to "restrictions or bans." Establishes a Green Ribbon Science Panel made up of experts to provide advice on scientific matters, chemical policy recommendations and implementation strategies, as well as ensuring implementation efforts are based on a strong scientific foundation. Expands the role of the Environmental Policy Council, made up of the heads of all California Environmental Protection Agency boards and departments, to oversee critical activities related to the implementation of the green chemistry program. Agency, to establish the California Environmental Contaminant Biomonitoring Program to monitor the presence and concentration of designated chemicals in Californians. Requires the Department and the Agency to establish a Scientific Guidance Panel to assist the Department and the Agency. Requires the Department to provide public access to information and to report to the Legislature and the public.

CT	Chemical Innovations Institute within the University of Connecticut Health Center	2010 Conn. Acts 164 (Reg. Sess.).	Establishes a Chemical Innovations Institute within the University of Connecticut Health Center to foster green job growth and safe workplaces through clean technology innovation and green chemistry and provide assistance to businesses, state agencies, and nonprofit organizations that seek to utilize safe alternatives to chemicals that are harmful to public health and the environment. Requires the Institute to: research and identify chemicals that are important to the state economy; provide research and technical assistance concerning chemicals of concern to the environment and public health, as well as safe alternatives to such chemicals; coordinate and share information with institutes in other states and the interstate chemicals clearinghouse concerning safe alternative chemicals and the impact of such safe alternative chemicals on public health and the environment; and offer trainings for businesses regarding chemical regulations and safer chemical alternatives.
MD	Procurement of Green Product Cleaning Supplies	Md. Code Ann., Education §§ 5-112 (2012). Chapter No. 454; Amended 2012 (H.B. 1019)	Requires a county board, to the extent practicable and economically feasible, to procure green product cleaning supplies for use in its schools. Requires the county board to draft specifications that provide a clear and accurate description of the functional characteristics or nature of the green product cleaning supplies that are to be procured.
MI	Economic Development of the State	H.B. 4817, 95th Leg., Reg. Sess. (Mich. 2009)	Amends the Michigan Strategic Fund Act to include the definition of "green chemistry" and includes a firm that uses green chemistry as a design guidance under the definition of "research and development enterprise," making enterprises engaged in the development of "green chemistry" eligible for financial aid from the Research Center Fund.

	Promotion of Green Chemistry for Sustainable Economic Development and Protection of Public Health	Exec. Directive No. 2006-6 (Oct. 17, 2006).	Requires the Department of Environmental Quality to coordinate the efforts of state departments and agencies to promote pollution prevention and sustainable economic development through green chemistry by: encouraging the research, development, and implementation of innovative chemical technologies; promoting the use of chemical technologies that reduce or eliminate the use or generation of hazardous substances during the design, manufacture, and use of chemical products and processes; and encouraging the use of safer, less toxic, or non-toxic chemical alternatives to hazardous substances. Requires the Department to establish a Green Chemistry Support Program to promote and coordinate state green chemistry research, development, demonstration, education, and technology transfer activities. Requires the Department to convene a Green Chemistry Support Roundtable.
MN	Green Economy and Green Chemistry Law	S.F. 2510, 86th Leg., Reg. Sess. (Minn. 2010).	Amends the definition of "green economy" to include products, processes, methods, technologies, or services intended to increase the use of green chemistry.
	Toxic Free Kids Act	Minn. Stat. §§ 116.9401-116.9407 (2009).	Requires the Department of Health, in consultation with the Pollution Control Agency, to generate a list of chemicals of high concern. Permits the Department, in consultation with the Agency, to designate a chemical of high concern as a priority chemical if it has been identified as a high-production volume chemical and has been found to be present in any human bodily tissues or fluids, the home environment or the natural environment. Permits participation in an interstate chemicals clearinghouse. Requires the Agency to report with recommendations on: addressing priority chemicals in children's products, moving to safer alternatives, and incentives for product design that uses green chemistry.

<p>NY</p>	<p>Detergents and Other Household Cleaning Products</p>	<p>N.Y. Env'tl. Conserv. Law § 35-0107 (2010).</p>	<p>Requires manufacturers of household cleaning products distributed, sold, or offered for sale, to furnish to the Commissioner of the Department of Environmental Conservation information about the products, including the nature and extent of investigations and research performed by the manufacturer concerning the effects of such products on human health and the environment. Permits the Commissioner to restrict or limit the use of ingredients in household cleaning products after finding that any ingredient of household cleaning products distributed, sold, offered or exposed for sale is likely to materially affect adversely human health or the environment and holding a public hearing.</p>
	<p>Directing State Agencies to Reduce the Environmental Impact of Cleaning of State Facilities</p>	<p>Exec. Order No. 134 (Jan. 5, 2005).</p>	<p>Requires all State Agencies to procure and use cleaning products that have properties that minimize potential impacts to human health and the environment. Requires all State Agencies to purchase environmentally preferred cleaning products. Encourages local governments and school districts to review their purchasing and use of cleaning products and select those having properties that minimize potential impacts to human health and the environment.</p>
	<p>Establishing a State Green Procurement and Agency Sustainability Program</p>	<p>Exec. Order No. 4 (Apr. 24, 2008).</p>	<p>Establishes an Interagency Committee on Sustainability and Green Procurement. Requires the Committee to select a "priority categories" and "priority commodities, services, and technologies" for which the Committee shall develop "green procurement lists" and "green procurement specifications." Requires the Committee to develop procurement lists and procurement specifications that consider pollution reduction and prevention, waste reduction, recyclability, compostability and other factors. Requires each State agency and authority to develop and implement a Sustainability and Environmental Stewardship Program. Establishes a Sustainability and Green Procurement Advisory Council.</p>

	Pollution Prevention	N.Y. Env'tl. Conserv. Law §§ 28-0101-28-0113 (2008).	Requires the Department of Environmental Conservation to develop, coordinate, implement and measure policies, planning and programs to promote pollution prevention. Establishes small business pollution prevention and environmental compliance assistance program. Establishes a pollution prevention and environmental compliance coordinating council. Establishes the New York state pollution prevention institute program whose mission is to promote the purposes of this article through research, development, technology demonstration, technology transfer, education, outreach, recognition, and training programs in a manner consistent with the principles of pollution prevention, including but not limited to green chemistry and reuse and remanufacturing.
	Procurement and Use of Environmentally-Sensitive Cleaning and Maintenance Products	N.Y. Edu. Law § 409-i (2008).	Requires the Commissioner of General Services to establish guidelines and specifications for environmentally-sensitive cleaning and maintenance products for use in elementary and secondary school facilities. Requires the Commissioner to disseminate to all elementary and secondary schools guidelines and specifications for the purchase and use of environmentally-sensitive cleaning and maintenance products.

Chemical # ST	Policy 21	# Statutes	32
ST		Citation	Summary
CA		Cal. Health & Safety Code §§ 25252, 25252.5, 25253, 25254, 25255, 25257	Establishes authority for the Department of Toxic Substances Control (DTSC) to develop regulations that create a process for identifying and prioritizing chemicals of concern and to create methods for analyzing alternatives to existing hazardous chemicals. Allows DTSC to take certain actions following an assessment that range from "no action" to "restrictions or bans." Establishes a Green Ribbon Science Panel made up of experts to provide advice on scientific matters, chemical policy recommendations and implementation strategies, as well as ensuring implementation efforts are based on a strong scientific foundation. Expands the role of the Environmental Policy Council, made up of the heads of all California Environmental Protection Agency boards and departments, to oversee critical activities related to the implementation of the green chemistry program.
		Cal. Health & Safety Code §§ 108100-108515 (2008)	Permits the Department of Health Services to declare any substance or mixture of substances that meets certain requirements to be a hazardous substance. Requires labeling of hazardous substances. Permits the Department to summarily ban the sale or distribution of any hazardous substance or article. Prohibits the distribution of any art or craft material containing toxic substances causing chronic illness without the appropriate label.
CO	Hazardous Substances Act of 1973	Colo. Rev. Stat. §§ 25-5-501-25-5-512 (2008).	Permits the Department of Public Health and Environment to declare any substance or mixture of substances that meets certain requirements to be a hazardous substance. Requires labeling of hazardous substances. Permits the Department to ban the sale of a hazardous substance. Permits the Department to summarily ban the sale or distribution of any hazardous substance or article.

CT	An Act Concerning Child Product Safety	H.B. 5650, 2008 Gen. Assemb., Feb. Sess. (Conn. 2008).	Requires the Commissioners of Public Health and Environmental Protection to compile a list of toxic substances and the recommended maximum amount of such toxic substances that may exist in children's products. Requires the Commissioner of Consumer Protection to compile a list of safer alternatives to using said toxic substances. Requires certain consumer products determined by the Commissioner of Consumer Protection that bear lead-containing paint or that have lead in any part of the product and that a child may reasonably or foreseeably come into contact with, to carry a warning label. Permits the Commissioner of Consumer Protection to adopt a stricter standard than one hundred parts per million total lead content by weight for any part of a children's product if the Administrator determines that a stricter standard is feasible. Permits the Commissioner of Environmental Protection to participate in an interstate clearinghouse to (1) prioritize chemicals existing in commercial goods; (2) organize and manage available data on chemicals; (3) produce and inventory information on safer alternatives for specific uses of chemicals and model policies and programs related to such alternatives; and (4) provide technical assistance to businesses and consumers relating to safer chemicals.
	State Child Protection Act	Conn. Gen. Stat. §§ 21a-335-21a-376 (2008).	Permits the Commissioner of Consumer Protection, by regulation, to declare any substance or mixture of substances that meet the statutory requirements to be hazardous substances. Permits the Commissioner of Consumer Protection to promulgate regulations establishing safety requirements, safety standards, banned hazardous substances, labeling requirements, and testing procedures for articles intended for use by children. If the Commissioner of Consumer Products finds that labeling is inadequate to protect the public health and safety or the article presents an imminent danger to the public health and safety, he may by regulation declare such article to be a banned hazardous substance and require its

			removal from commerce.
IL	Uniform Hazardous Substances Act of Illinois	430 Ill. Comp. Stat. Ann. 35/1-35/16a (2008).	Permits the Department of Public Health to declare any substance or mixture of substances that meets certain requirements to be a hazardous substance. Requires labeling of hazardous substances. Permits the Department to ban the sale of a hazardous substance. Permits the Department to summarily ban the sale or distribution of any hazardous substance or article.
IN	Sales of Consumer and Other Products	Ind. Code Ann. §§ 16-41-39.4-7 (2008).	Prohibits the sale or distribution of a consumer product, surface coating material, food product or food packaging that is a banned hazardous substance under the Federal Hazardous Substances Act or has a specified lead content. Permits the state Department to require labeling of an item or signage to reflect that the item contains lead.
ME	Protect Children's Health and the Environment from Toxic Chemicals in Toys and Children's Products	Me. Rev. Stat. Ann. tit. 38, §§ 1691-1699-B (2008).	Requires the Department of Environmental Protection to publish a list of chemicals of high concern. Permits the Commissioner of Environmental Protection to designate a chemical of high concern as a priority chemical if the chemical meets certain criteria. Requires the Commissioner to designate at least two priority chemicals by January 2011. Requires a manufacturer or distributor of a children's product for sale in Maine that contains a priority chemical to notify the Department of the identity of the children's product, the number of units sold or distributed for sale in the State or nationally, the priority chemical or chemicals contained in the children's product, the amount of such chemicals in each unit of children's product, and the intended purpose of the chemicals in the children's product. Permits the Department to request additional information from the manufacturer or distributor including: information on the likelihood that the chemical will be released from the children's product; information on the extent to which the chemical is present in the environment or human body; and an assessment of the availability, cost, feasibility, and performance of alternatives to the priority chemical and the reason the

			<p>priority chemical is used in the manufacture of the children's product in lieu of identified alternatives. Permits the Board of Environmental Protection to adopt rules prohibiting the manufacture, sale, or distribution in Maine of a children's product containing a priority chemical if the Board finds that distribution of the children's product directly or indirectly exposes children and vulnerable populations to the priority chemical and one or more safer alternatives to the priority chemical are available at a comparable cost. Authorizes the Department to participate in an interstate clearinghouse to promote safer chemicals in consumer products in cooperation with other states and governmental entities. Requires the Department to develop a program to educate and assist consumers and retailers in identifying children's products that may contain priority chemicals.</p>
	<p>Toxic Use and Hazardous Waste Reduction</p>	<p>M.R.S.A. tit. 38, §§ 2301-2313 (2008).</p>	<p>Encourages an integrated approach to toxics use reduction, toxics release reduction, and hazardous waste reduction. Requires owners and operators of certain facilities to prepare pollution prevention plans and biennial progress reports. Requires plans to include: a statement of facility-wide management policy regarding toxics use, toxics release, and hazardous waste reduction; specific information for each production unit; goals for reducing the aggregate amount of toxic substances released and the aggregate amount of hazardous waste generated; and an employee awareness and training program. Requires progress reports to include: the goals established in the plan; a statement of the facility's progress toward achieving goals; a description of the techniques used to achieve identified reductions; a description of employee notification and involvement in the planning process; and a description of the pollution prevention techniques the owner or operator intends to undertake in the future. Establishes the Toxics Use, Toxics Release and Hazardous Waste Reduction Program to assist toxics users, toxics releasers, and</p>

			hazardous waste generators to eliminate or reduce the amounts, toxicity, and adverse environmental and public health effects of toxics use, toxics released and hazardous wastes generated.
	Safer Chemicals in Consumer Products and Services	Exec. Order Promoting Safer Chemicals in Consumer Products and Services (February 22, 2006).	Requires the Department of Environmental Protection to incorporate readily available information on source reduction and safer alternatives to hazardous chemicals in consumer products into their public education efforts. Requires the Department to continue to virtually eliminate mercury from human caused sources, assess lead-free alternatives to the current use of lead in consumer products, and review emerging information related to the availability of alternatives to brominated flame retardants. Requires executive branch agencies to avoid products and services that contain, use, or release chemicals that are PBTs or carcinogens whenever safer alternatives are available, effective, and affordable. Creates the Governor's Task Force to Promote Safer Chemicals. Requires the Task Force to identify and promote the use and development of safer alternatives to hazardous chemicals in consumer goods and services made, provided, or sold in Maine.
MD	Hazardous Materials	Md. Code Ann., Health-Gen. §§ 22-501-22-508 (2008).	Permits the Secretary of the Department of Health and Mental Hygiene to declare any substance or mixture of substances that meets certain requirements to be a hazardous substance. Requires the labeling of hazardous substances. Permits the Secretary to ban the sale of a hazardous substance. Permits the Secretary to summarily ban the sale or distribution of any hazardous substance or article.
	Child Care Products Containing Flame-Retardant Chemicals (TCEP) - Prohibition	Md. Code Ann., Health-Gen § 24-306 (2013)	Prohibiting a person from importing, selling, or offering for sale certain child care products containing certain flame-retardant chemicals (TCEP).

	Procurement of Green Product Cleaning Supplies	Md. Code Ann., Education §§ 5-112 (2012). Chapter No. 454; Amended 2012 (H.B. 1019)	Requires a county board, to the extent practicable and economically feasible, to procure green product cleaning supplies for use in its schools. Requires the county board to draft specifications that provide a clear and accurate description of the functional characteristics or nature of the green product cleaning supplies that are to be procured.
MA	Hazardous Substances Labeling Act	Mass. Gen. Laws, ch. 94B, §§ 1-10 (2008).	Prohibits any person from selling, delivering, giving away, or introducing into commerce any misbranded hazardous substance or banned hazardous substance. Permits the Commissioner of Public Health to declare any substance or mixture of substances, which meet certain requirements, to be a hazardous substance. Under this authority, the Commissioner has declared by regulation formaldehyde, urea-formaldehyde foamed in-place insulation, children's leaded jewelry (pre-empted), and baby bottles and sippy cups containing bisphenol A to be hazardous substances. The Commissioner has declared urea-formaldehyde foamed in-place insulation, children's leaded jewelry (pre-empted), and baby bottles and sippy cups containing bisphenol A to be banned hazardous substances. Requires urea-formaldehyde foamed in-place insulation, children's leaded jewelry (pre-empted), and baby bottles and sippy cups containing bisphenol A to be removed from commerce. (105 CMR 650).
MI	Hazardous Substances Act	Mich. Comp. Laws Serv. §§ 286.451-286.463 (2008).	Permits the Department of Agriculture to declare any substance or mixture of substances that meets certain requirements to be a hazardous substance. Requires labeling of hazardous substances. Permits the Department to ban the sale of a hazardous substance. Permits the Department to summarily ban the sale or distribution of any hazardous substance or article.

MN	Toxic Free Kids Act	Minn. Stat. §§ 116.9401-116.9407 (2009).	Requires the Department of Health, in consultation with the Pollution Control Agency, to generate a list of chemicals of high concern. Permits the Department, in consultation with the Agency, to designate a chemical of high concern as a priority chemical if it has been identified as a high-production volume chemical and has been found to be present in any human bodily tissues or fluids, the home environment or the natural environment. Permits participation in an interstate chemicals clearinghouse. Requires the Agency to report with recommendations on: addressing priority chemicals in children's products, moving to safer alternatives, and incentives for product design that uses green chemistry.
MT	Montana Consumer Product Safety Act of 1975	Mont. Code Ann. §§ 50-30-101-50-30-307 (2008).	Permits the Department of Public Health and Human Services to declare any substance or mixture of substances that meets certain requirements to be a hazardous substance. Requires the labeling of hazardous substances. Permits the Department to ban the sale of a hazardous substance. Permits the Department to summarily ban the sale or distribution of any hazardous substance or article.
NH	Labeling of Hazardous Substances	N.H. Rev. Stat. Ann. §§ 339A:1-339A:11 (2008).	Permits the Department of Health and Human Services to declare any substance or mixture of substances that meets certain requirements to be a hazardous substance. Requires labeling of hazardous substances. Prohibits the manufacture or sale of any misbranded hazardous substance. Prohibits the manufacture or sale of urea-formaldehyde foam insulation or a new home or new manufactured housing containing urea-formaldehyde foam insulation. Prohibits the sale of any particle board or fiber board or housing unit or manufactured housing constructed of particle board, fiber board, or any similar construction material, containing urea-formaldehyde resin without a written cautionary statement to the purchaser.
ND	Hazardous Substances Labeling Act	N.D. Cent. Code § 19-21-01-19-21-10 (2008).	Prohibits the sale of any misbranded hazardous substance or banned hazardous substance. Requires the labeling of hazardous substances.

OH	Labeling of Hazardous Substances	Ohio Rev. Code Ann. §§ 3716.01-3716.99 (2008).	Permits the Department of Health to declare any substance or mixture of substances that meets certain requirements to be a hazardous substance. Requires labeling of hazardous substances. Prohibits the sale of any misbranded package of a hazardous substance.
OR	Elimination of Persistent, Bioaccumulative, and Toxic Pollutants	Exec. Order No. 99-13 (Sept. 24, 1999).	Directs the Department of Environmental Quality to lead a state-wide effort to eliminate the releases of PBTs into the environment. Establishes initial goals, including: outlining a range of approaches that might be undertaken in Oregon to identify, track, and eliminate the release of PBTs into the environment by the year 2020; evaluating state, national, and international efforts to eliminate PBTs; using available information to identify which PBTs are generated in Oregon, determine what activities generate PBTs, estimate the amounts being generated, and identify missing data; and identifying ways to utilize education, technical assistance, pollution prevention, economic incentives, government procurement policies, compliance, and permitting activities to eliminate PBT releases.
	Hazardous Substances	Or. Rev. Stat. §§ 453.001-453.185 (2008).	Permits the Department of Human Services to declare any substance or mixture of substances that meets certain requirements to be a hazardous substance. Lists pentaBDE and octaBDE as hazardous substances (see also Oregon S.B. 962). Requires the Director of the Department to adopt standards for the labeling of hazardous substances. Permits the Department to ban the sale of a hazardous substance. Permits the Department to summarily ban the sale or distribution of any hazardous substance or article.

	Relating to Water Quality; Appropriating Money; Limiting Expenditures; and Declaring an Emergency.	S.B. 737, 74th Leg. Assemb., Reg. Sess. (Or. 2007).	Requires the Department of Environmental Quality to conduct a study of persistent pollutants discharged in the State of Oregon and report the results of that study to the Legislature. Requires the Department's report to include: a priority listing of persistent pollutants that pose a threat to the waters of the state, identification of individual point, nonpoint and legacy sources of priority listed persistent pollutants, and an evaluation and assessment of source reduction and technological control measures that can reduce the discharge of persistent pollutants. Requires each permittee to submit a plan for reducing the permittee's discharges of persistent pollutants listed on the priority listing.
SC	Hazardous Substances Act	S.C. Code Ann. §§ 23-39-10-23-39-120 (2008).	Permits Department of Agriculture to declare any substance or mixture of substances that meets certain requirements to be a hazardous substance. Requires labeling of hazardous substances. Permits the Department to ban the sale of a hazardous substance. Permits the Department to summarily ban the sale or distribution of any hazardous substance or article.
TN	Hazardous Substances Act	Tenn. Code Ann. §§ 68-131-101-68-131-113 (2008).	Permits the Department of Agriculture to declare any substance or mixture of substances that meets certain requirements to be a hazardous substance. Requires labeling of hazardous substances. Permits the Department to ban the sale of a hazardous substance. Permits the Department to summarily ban the sale or distribution of any hazardous substance or article.
TX	Hazardous Substances Act	Tex. Health & Safety Code Ann. §§ 501.001-501.113 (2008).	Permits the Board of Health to declare any substance or mixture of substances that meets certain requirements to be a hazardous substance. Requires labeling of hazardous substances. Permits the Board to ban the sale of a hazardous substance. Permits the Board to summarily ban the sale or distribution of any hazardous substance or article.

VT	Prohibiting Certain Flame Retardants	9 V.S.A. 80 §2971 et seq.	Prohibits the manufacture, distribution, or sale of plastic shipping pallets that contain the brominated flame retardant decaBDE. Prohibits the manufacture, distribution, or knowing sale of children’s products and residential upholstered furniture that contain the chlorinated flame retardants TCEP or TDCPP. The act prohibits the replacement of the flame retardants covered under the act with other harmful chemicals.
WA	Development of Chemical Action Plans	2005 Wash. Sess. Laws 519.	Appropriates funds for rulemaking and the development of chemical action plans for persistent bioaccumulative toxins. More specifically, appropriates funds for the development of a chemical action plan for PBDEs and mercury; for rulemaking to develop specific criteria by which chemicals may be included on a persistent bioaccumulative toxins list, develop a specific list of persistent bioaccumulative toxins, and establish criteria for selecting chemicals for chemical action plans; for the development of a memorandum of understanding with the Washington state hospital association and the auto recyclers of Washington to ensure the safe removal and disposal of products containing mercury; and for ongoing fluorescent lamp recycling.
	Relating to the Use of Bisphenol A	70 R.C.W. 280	Prohibits the manufacture, sale, or distribution of any empty bottle, cup, or other container, except a metal can, that contains bisphenol A if that container is designed or intended to be filled with any liquid, food, or beverage primarily for use by children three years of age or younger.

	Children's Safe Products Act	RCWA 70.240.010 to .060	<p>Contains limits on lead, cadmium, or phthalates in children's products (preempted by the Federal Consumer Product Safety Improvement Act). Requires the Department of Ecology, in consultation with the Department of Health, to identify high priority chemicals that are of high concern for children after considering a child's or developing fetus's potential of exposure to each chemical. Requires the Department to identify children's products or product categories that may contain chemicals of high concern. Requires the Department to submit a report on the chemicals of high concern to the legislature, which includes policy options for addressing children's products that contain chemicals of high concern for children. Requires a manufacturer to provide notice to the Department if the manufacturer's product contains a high priority chemical. Authorizes the Secretary to establish and maintain a product safety education campaign to promote greater awareness of children's products that contain chemicals of high concern. Requires manufacturers of products that are restricted to notify persons that sell the manufacturer's products and to recall the product. Requires the Department to develop and publish a web site that provides consumers with information on the chemicals used in children's products, the reason the chemical has been identified as a high priority chemical, and any safer alternatives to the chemical.</p>
	Persistent Toxic Chemicals	Exec. Order No. 04-01 (Jan. 28, 2004).	<p>Requires the Department of Ecology, in consultation with the Department of Health, to develop a chemical action plan that identifies actions the state may take to reduce threats posed by persistent, toxic chemicals found in flame retardants, known as polybrominated diphenyl ether (PBDEs). Requires the Department of Ecology to implement the mercury chemical action plan. Requires The Department of General Administration's Office of State Procurement to make available for purchase and use by all state agencies equipment, supplies, and</p>

			other products that do not contain persistent, toxic chemicals unless there is no feasible alternative.
WI	Hazardous Substances Act	Wis. Stat. § 100.37 (2008).	Permits the Department of Agriculture, Trade and Consumer Protection to declare any substance or mixture of substances that meets certain requirements to be a hazardous substance. Requires cautionary labeling of hazardous substances. Permits the Department to prohibit the sale of a hazardous substance. Permits the Department to summarily ban the sale or distribution of any hazardous substance or article. Prohibits the sale or distribution of certain hazardous substances, including: propyl nitrate; isopropyl nitrate; nitrous acid esters of all alcohols having the formula of 5 carbon atoms, 12 hydrogen atoms, and one oxygen atom; ethyl chloride; ethyl nitrite; and any toy containing elemental mercury.

State Statutes Regulating PBDEs			
# ST	12	# Statutes	13
ST		Citation	Summary
CA		West's Ann.Cal.Health & Safety Code § 108920 to 108923	Prohibits a person from manufacturing, processing or distributing a product, or a flame-retarded part of a product, containing more than one-tenth of 1 percent of pentaBDE or octaBDE, except for products containing small quantities of PBDEs that are produced or used for scientific research on the health or environmental effects of PBDEs.
HI		HRS § 332D-1 to 332D-3	Prohibits a person from manufacturing, processing or distributing a product, or a flame-retarded part of a product, containing more than one-tenth of one per cent, by mass, of pentaBDE, octaBDE, or any other chemical formulation that is part of these classifications. This prohibition does not apply to the processing of metallic recyclables containing pentaBDE or octaBDE.

IL		410 ILCS 48/1 to 48/99	Prohibits a person from manufacturing, processing or distributing a product, or a flame- retarded part of a product, containing more than one-tenth of 1 percent of pentaBDE or octaBDE. Exempts used products and the processing of recyclable material containing pentaBDE or octaBDE. Authorizes a study of the health and environmental effects of decaBDE.
ME		38 M.R.S.A. § 1609	Prohibits a person from selling or distributing a product containing more than 0.1% of the "penta" or "octa" mixtures of polybrominated diphenyl ethers. Prohibits a person from manufacturing, selling or distributing certain products containing the "deca" mixture of polybrominated diphenyl ethers. These products include mattresses, mattress pads, upholstered furniture, shipping pallets, televisions, and computers. Exempts transportation vehicles and parts, parts and equipment used in industrial manufacturing, and electronic cable and wiring used in power transmission. Requires manufacturers of products containing PBDE to notify retailers of prohibitions.
MD		MD Code, Environment, § 6-1201 to -1205	Prohibits a person from manufacturing, processing or distributing a product, or a flame- retarded part of a product, containing more than one-tenth of 1 percent of pentaBDE or octaBDE. Prohibits the manufacture, lease, sale or distribution of certain products containing decaBDE. Makes certain exemptions.
MI		M.C.L.A. 324.14721 to .14725	Prohibits the manufacturing, processing or distribution of products or materials containing than 1/10 of 1% of penta-BDE or octa-BDE. Authorizes PBDE advisory committee to study human health and environmental risks of PBDEs.
MN		M.S.A. § 325E.385 and .386	Prohibits a person from manufacturing, processing or distributing a product or flame-retardant part of a product containing more than one-tenth of one percent of pentabromodiphenyl ether or octabromodiphenyl ether by mass. Makes certain exemptions.

		M.S.A. § 325E.387	Requires state to review the commercial use and health and environmental risks of decaBDE.
NY		N.Y. Envtl. Conserv. Law § 37-0111	Prohibits a person from manufacturing, processing or distributing a product, or a flame-retardant part of a product, containing more than one-tenth of one per centum of pentabrominated diphenyl ether or octabrominated diphenyl ether, by mass. Makes certain exemptions.
OR		O.R.S. § 453.005	Lists pentaBDE, octaBDE and decaBDE as hazardous substances and therefore subject to labeling and product restrictions under O.R.S. §§ 453.005 to 435.185.
RI		Gen.Laws 1956, § 23-13.4-1	Codifies legislative finding that the state should develop a precautionary approach regarding the production, use, storage, and disposal of products containing brominated fire retardants. Prohibits a person from manufacturing, processing or distributing a product or a flame-retardant part of a product containing more than one-tenth (1/10 %) of one percent (1%) of pentaBDE or octaBDE. Makes certain exemptions. Authorizes a study of the health and environmental effects of decaBDE.
VT		9 V.S.A. § 2971	Prohibits a person from manufacturing, processing or distributing a product, or a flame- retarded part of a product, containing greater than 0.1 percent of pentaBDE or octaBDE by weight. Prohibits a person from manufacturing, selling or distributing certain products containing the deca BDE. These products include mattresses, mattress pads, upholstered furniture, televisions, and computers. Exempts motor vehicles and parts, and the sale or resale of used products. Requires manufacturers of products containing decaBDE to notify retailers of prohibitions. Requires decaBDE be replaced with safer alternatives.

WA		RCWA 70.76.005 to .110	Prohibits a person from manufacturing, selling or distributing noncombustible products containing pentaBDE and octaBDE. Makes certain exemptions. Prohibits a person from manufacturing, selling or distributing mattresses containing the deca BDE. This prohibition extends to upholstered furniture, televisions, and computers if the state, in consultation with a fire safety committee, finds that a safer and technically feasible alternative to decaBDE is available. Requires manufacturers of products containing PBDEs to notify retailers of the prohibitions.
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Other State Statutes Addressing PBDEs			
ST		Citation	Summary
IL		415 ILCS 150/30	Requires certain electronic manufacturers to submit registration to the state that discloses whether any covered electronic device exceeds the maximum concentration values established for lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls (PBBs), and polybrominated diphenyl ethers (PBDEEs) under the European Union standards.
IN		IC 13-20.5-1-1	Requires video display device manufacturers to submit registration to the state that discloses whether any covered video display device exceeds the maximum concentration values established for lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls (PBBs), and polybrominated diphenyl ethers (PBDEEs) under the European Union standards.
MN		M.S.A. § 115A.1312	Requires video display device manufacturers to submit registration to the state that discloses whether any covered video display device exceeds the maximum concentration values established for lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls (PBBs), and polybrominated diphenyl ethers (PBDEEs) under the European Union standards.

		M.S.A. § 325E.387	Requires that the commissioner of administration make available for purchase and use by all state agencies equipment, supplies, and other products that do not contain polybrominated diphenyl ethers.
NY		N.Y. Environmental Consv. Law § 27-2605	Requires certain electronic manufacturers to submit registration to the state that discloses whether any covered electronic device exceeds the maximum concentration values established for lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls (PBBs), and polybrominated diphenyl ethers (PBDEEs) under the European Union standards.
RI		Gen. Laws 1956, § 23-24.10-9	Requires video display device manufacturers to submit registration to the state that discloses whether any covered video display device exceeds the maximum concentration values established for lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls (PBBs), and polybrominated diphenyl ethers (PBDEEs) under the European Union standards.