

HB 991

2014

1 A bill to be entitled

2 An act relating to chemicals of high concern; creating
3 s. 381.992, F.S.; providing a declaration of state
4 policy regarding the identification of chemicals of
5 high concern; providing definitions; requiring the
6 Department of Health, in consultation with other state
7 agencies, to generate a list of chemicals of high
8 concern; providing requirements for the review,
9 revision, and publication of the list; providing
10 criteria for the designation of a chemical as a
11 chemical of high concern; authorizing the department
12 to participate in an interstate clearinghouse
13 regarding the use of chemicals in consumer products;
14 providing an effective date.

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16 WHEREAS, thousands of toxic chemicals are found in consumer
17 products used specifically in and around homes, day care
18 centers, and schools for use by pregnant women and children, and

19 WHEREAS, exposure to harmful chemicals found in products
20 designated for use specifically by pregnant women and children
21 have been linked to long-term health impacts such as childhood
22 cancer, asthma, premature puberty, infertility, and learning and
23 developmental disabilities, and

24 WHEREAS, consumers such as pregnant women, parents,
25 teachers, and business owners must have reliable information
26 upon which to base their purchasing decisions to ensure that the

27 public is able to make healthy choices about the products they
 28 buy, and

29 WHEREAS, abundant reliable, peer-reviewed scientific data
 30 currently exists regarding the health and safety impacts of
 31 toxic chemicals on pregnant women and children, and

32 WHEREAS, several states, including Maine, Washington, and
 33 Minnesota, have used available peer-reviewed scientific data to
 34 produce "Chemicals of High Concern" lists to inform the public
 35 about important public safety information regarding toxic
 36 chemicals, NOW, THEREFORE,

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38 Be It Enacted by the Legislature of the State of Florida:

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40 Section 1. Section 381.992, Florida Statutes, is created
 41 to read:

42 381.992 Chemicals of high concern to pregnant women and
 43 children in consumer products.-

44 (1) It is the policy of the state, consistent with its
 45 duty to protect the health, safety, and welfare of its citizens,
 46 to reduce the exposure of pregnant women and children to
 47 chemicals of high concern by publicly identifying such chemicals
 48 and encouraging substitution with safer alternatives whenever
 49 feasible.

50 (2) As used in this section, the term:

51 (a) "Chemical" means any element, compound, or mixture
 52 of elements or compounds, including breakdown products formed

53 through decomposition, degradation, or metabolism.

54 (b) "Chemical of high concern" means a chemical
55 identified by the department that meets the criteria
56 established in subsection (4) or subsection (5).

57 (c) "Child" means a person younger than 18 years of
58 age.

59 (d) "Consumer product" means any item, including its
60 component parts and packaging, designed for or intended
61 primarily for use by pregnant women or children and sold for
62 indoor or outdoor use at a residence, a child care facility,
63 or a school.

64 (e) "Credible scientific evidence" means the results of
65 a study, the experimental design and conduct of which have
66 undergone independent scientific peer review, that are
67 published in a peer-reviewed journal or in a publication of
68 an authoritative federal or international governmental
69 agency, including, but not limited to, the United States
70 Department of Health and Human Services National Toxicology
71 Program, the National Institute of Environmental Health
72 Sciences, the United States Food and Drug Administration, the
73 Centers for Disease Control and Prevention, the United States
74 Environmental Protection Agency, the World Health
75 Organization, and the European Chemicals Agency of the
76 European Union.

77 (f) "Department" means the Department of Health.

78 (3) (a) By January 1, 2015, the department, in

79 consultation with other state agencies, shall publish an
80 initial list of at least 50, but not more than 100, chemicals
81 of high concern. If funds are not available to create the
82 list, the department may cite chemicals of high concern as
83 identified in other states that meet the criteria in
84 subsection (5).

85 (b) The department shall review and revise the list of
86 chemicals of high concern every 3 years, as appropriate. The
87 department may add a chemical to the list if the chemical
88 meets the criteria of subsection (4) or subsection (5).

89 (c) The department shall publish the initial list of
90 chemicals of high concern on its website and shall update the
91 published list whenever the list is revised.

92 (4) A chemical may be designated as a chemical of high
93 concern if the department determines that the chemical meets
94 the following criteria:

95 (a) The chemical is identified by a governmental agency
96 on the basis of credible scientific evidence as being known
97 or likely to:

98 1. Harm the normal development of a fetus or child or
99 cause other developmental toxicity;

100 2. Cause cancer, genetic damage, or reproductive harm;

101 3. Damage the nervous system, immune system, hormone
102 system, or organs or cause other systemic toxicity; or

103 4. Be persistent, bioaccumulative, and toxic.

104 (b) There is credible scientific evidence that the

105 chemical has been added to or is present in a consumer
106 product used or present in or around a residence, child care
107 facility, or school.

108 (5) In lieu of meeting the criteria in subsection (4),
109 a chemical may be designated as a chemical of high concern if
110 the department determines that:

111 (a) Based upon criteria that are substantially
112 equivalent to those cited in subsection (4), the chemical has
113 been formally identified by another state as a priority
114 chemical or a chemical of high concern; or

115 (b) One or more of the criteria in paragraph (4)(b) are
116 met and the chemical has been formally identified by another
117 state as being known to cause cancer, birth defects, or other
118 reproductive harm.

119 (6) The department may participate with other states
120 and governmental entities in an interstate clearinghouse of
121 information to:

122 (a) Promote the use of safer chemicals in consumer
123 products.

124 (b) Organize and manage available data on chemicals,
125 including information on uses, hazards, and environmental
126 concerns.

127 (c) Produce and analyze information on safer
128 alternatives to specific uses of chemicals of high concern
129 and model policies and programs related thereto.

130 (d) Provide technical assistance to businesses and

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131 consumers regarding the use of safer chemicals.

132 (e) Undertake other activities in support of state
133 programs to promote the use of safer chemicals in consumer
134 products.

135 Section 2. This act shall take effect July 1, 2014.