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State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-SIXTH
SESSION**

HOUSE FILE No. 458

February 2, 2009

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The bill was read for the first time and referred to the Committee on Environment Policy and Oversight

February 23, 2009

By motion, recalled and re-referred to the Committee on Commerce and Labor

March 30, 2009

Committee Recommendation and Adoption of Report:

To Pass as Amended and re-referred to the Committee on Finance

1.1 A bill for an act
1.2 relating to the environment; requiring the Pollution Control Agency to annually
1.3 report on regulating and nonregulating mechanisms and regulations to mitigate
1.4 risk or prevent exposure to chemicals in children's products; requiring the agency
1.5 to make annual recommendations to the legislature; proposing coding for new
1.6 law in Minnesota Statutes, chapter 325F.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. **[325F.172] DEFINITIONS.**

1.9 (a) For the purposes of sections 325F.172 to 325F.173, the following terms have
1.10 the meanings given them.

1.11 (b) "Alternative" means a substitute process, product, material, chemical, strategy,
1.12 or combination of these that serves a functionally equivalent purpose to a chemical in a
1.13 children's product.

1.14 (c) "Chemical" means a substance with a distinct molecular composition or a group
1.15 of structurally related substances and includes the breakdown products of the substance or
1.16 substances that form through decomposition, degradation, or metabolism.

1.17 (d) "Child" means a person under 12 years of age.

1.18 (e) "Children's product" means a children's product primarily intended for use by
1.19 a child, such as baby products, toys, car seats, personal care products, and clothing.
1.20 Children's product does not mean medication, drug, or food products, or the packaging
1.21 of these products.

1.22 (f) "Commissioner" means commissioner of the Pollution Control Agency.

1.23 (g) "Department" means the Pollution Control Agency.

2.1 (h) "Green chemistry" means chemistry and chemical engineering that promotes
2.2 products and processes that appropriately manage, reduce, or eliminate the use or
2.3 generation of priority chemicals of high concern.

2.4 **Sec. 2. [325F.1721] CHEMICALS IN CHILDREN'S PRODUCTS.**

2.5 (a) The department shall monitor on an ongoing basis current state and federal
2.6 regulatory and nonregulatory mechanisms, and all proposals for new regulations
2.7 originating in Minnesota or in other states, designed to mitigate risk or prevent exposure
2.8 to chemicals in children's products. The department shall compile a report starting
2.9 September 1, 2010, and each September 1 thereafter about all regulations and proposals
2.10 adopted or issued within the prior 12 months.

2.11 (b) The department is authorized to participate in an interstate clearinghouse to
2.12 promote safer chemicals in consumer products in cooperation with other states and
2.13 governmental entities. The department may cooperate with the interstate clearinghouse to
2.14 classify existing chemicals in commerce into categories of concern. The department may
2.15 also cooperate with the interstate clearinghouse in order to organize and manage available
2.16 data on chemicals, including information on uses, hazards, and environmental concerns; to
2.17 produce and inventory information on safer alternatives to specific uses of chemicals of
2.18 concern and on model policies and programs; to provide technical assistance to businesses
2.19 and consumers related to safer chemicals; and to undertake other activities in support of
2.20 state programs to promote safer chemicals.

2.21 (c) By December 15, 2010, and each December 15 thereafter, the department shall
2.22 share the report issued under paragraph (a) with an external scientific peer review panel
2.23 convened by the department. By January 15, 2011, and each January 15 thereafter, the
2.24 department shall make recommendations to the legislature:

2.25 (1) to adopt regulations or proposals (i) identified under paragraph (a), including any
2.26 modifications of the regulations or proposals or (ii) any regulations or proposals initiated
2.27 by the department itself, by another state agency, or by legislation; and

2.28 (2) to reject regulations or proposals identified in paragraph (a).

2.29 The department's external scientific peer review panel shall consider in making its
2.30 recommendations whether the regulation or proposal is supported by peer-reviewed
2.31 scientific evidence that the chemical in the children's product is known to (i) harm the
2.32 normal development of a fetus or child or cause other developmental toxicity, (ii) cause
2.33 cancer, genetic damage, or reproductive harm, (iii) disrupt the endocrine or hormone
2.34 system, (iv) damage the nervous system, immune system, or organs, or cause other
2.35 systemic toxicity, or (v) be persistent, bioaccumulative, and toxic.

- 3.1 (d) The department shall report on the regulations and proposals for which no
3.2 recommendation was made by the external scientific peer review panel.