

1 A bill to be entitled
 2 An act relating to chemicals of high concern; creating
 3 s. 403.9339, 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 Environmental Protection, in
 7 consultation with the Department of Health, to
 8 generate a list of chemicals of high concern;
 9 providing requirements for the review, revision, and
 10 publication of the list; providing criteria for the
 11 designation of a chemical as a chemical of high
 12 concern; authorizing the Department of Environmental
 13 Protection to participate in an interstate
 14 clearinghouse regarding the use of chemicals in
 15 consumer products; providing an effective date.

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

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 19 Section 1. Section 403.9339, Florida Statutes, is created
 20 to read:

21 403.9339 Chemicals of high concern to pregnant women and
 22 children in consumer products.-

23 (1) It is the policy of the state, consistent with its
 24 duty to protect the health, safety, and welfare of its citizens,
 25 to reduce the exposure of pregnant women, children, and other
 26 vulnerable populations to chemicals of high concern by publicly
 27 identifying such chemicals and encouraging substitution with
 28 safer alternatives whenever feasible.

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

30 (a) "Chemical" means a substance with a distinct molecular
31 composition or a group of structurally related substances,
32 including the breakdown products of the substance or substances
33 that form through decomposition, degradation, or metabolism, and
34 the precursor compounds that decompose, degrade, or are
35 metabolized to form the substance or substances.

36 (b) "Chemical of high concern" means any chemical
37 identified by the department that meets the criteria established
38 in subsection (4) or subsection (5).

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

40 (d) "Consumer product" means any item, including component
41 parts and packaging, sold for indoor use in a residence, child
42 care facility, or school, and any item sold for outdoor use if a
43 child or pregnant woman may have direct contact with the outdoor
44 item.

45 (e) "Credible scientific evidence" means the results of a
46 study, the experimental design and conduct of which have
47 undergone independent scientific peer review, that are published
48 in a peer-reviewed journal or in a publication of an
49 authoritative federal or international governmental agency,
50 including, but not limited to, the United States Department of
51 Health and Human Services National Toxicology Program, the
52 National Institute of Environmental Health Sciences, the United
53 States Food and Drug Administration, the Centers for Disease
54 Control and Prevention, the United States Environmental
55 Protection Agency, the World Health Organization, and the
56 European Chemicals Agency of the European Union.

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57 (3) (a) By January 1, 2014, the department, in consultation
58 with the Department of Health, shall publish an initial list of
59 at least 50, but not more than 100, chemicals of high concern.

60 (b) The department shall review and revise the list of
61 chemicals of high concern at least once every 3 years. The
62 department may add a chemical to the list if the chemical meets
63 the requirements of subsection (4) or subsection (5).

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

67 (4) A chemical may be designated as a chemical of high
68 concern if the department, after consultation with the
69 Department of Health, determines that the chemical meets the
70 following criteria:

71 (a) The chemical is identified by an authoritative
72 governmental agency on the basis of credible scientific evidence
73 as being known or likely to:

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

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

77 3. Disrupt the endocrine or hormone system;

78 4. Damage the nervous system, immune system, or organs or
79 cause other systemic toxicity;

80 5. Be persistent, bioaccumulative, and toxic; or

81 6. Be very persistent and very bioaccumulative.

82 (b) There is credible scientific evidence that the
83 chemical has been:

84 1. Found through biomonitoring studies to be present in

85 human blood, human breast milk, human urine, or other human
 86 bodily tissues or fluids;

87 2. Found through sampling and analysis to be present in
 88 household dust, indoor air, or drinking water or elsewhere in
 89 the residential environment; or

90 3. Added to, or is present in, a consumer product used or
 91 present in or around a residence, child care facility, or
 92 school.

93 (5) In lieu of meeting the requirements of subsection (4),
 94 a chemical may be designated as a chemical of high concern if
 95 the department, after consultation with the Department of
 96 Health, determines that:

97 (a) Based upon criteria that are substantially equivalent
 98 to those in subsection (4), the chemical has been formally
 99 identified by another state as a priority chemical or a chemical
 100 of high concern; or

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

105 (6) The department may participate with other states and
 106 governmental entities in an interstate clearinghouse in order
 107 to:

108 (a) Promote the use of safer chemicals in consumer
 109 products.

110 (b) Organize and manage available data on chemicals,
 111 including information on uses, hazards, and environmental
 112 concerns.

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113 | (c) Produce and inventory information on safer
114 | alternatives to specific uses of chemicals of high concern and
115 | model policies and programs related thereto.

116 | (d) Provide technical assistance to businesses and
117 | consumers related to the use of safer chemicals.

118 | (e) Undertake other activities in support of state
119 | programs to promote the use of safer chemicals in consumer
120 | products.

121 | Section 2. This act shall take effect July 1, 2013.