

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

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BILL: SB 1180

INTRODUCER: Senators Sobel and Thompson

SUBJECT: Chemicals in Consumer Products

DATE: March 14, 2014

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Crosier	Hendon	CF	<b>Favorable</b>
2.	_____	_____	HP	_____
3.	_____	_____	AHS	_____
4.	_____	_____	AP	_____

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**I. Summary:**

SB 1180 creates s. 381.986, F.S., to require the Department of Health (department) to generate a list of at least 50, but no more than 100 chemicals of high concern present in consumer products and publish the list on its website by January 1, 2015. This list would allow public identification of such chemicals, encourage substitution with safer alternatives, and reduce the exposure of pregnant women and children to chemicals of high concern. The department is authorized to join in an interstate clearinghouse with other states and governmental entities to promise use of safer chemicals in consumer products.

The effective date of the bill is July 1, 2014, and there is a fiscal impact.

**II. Present Situation:**

The State of Florida does not currently maintain a chemicals of high concern in consumer products list. Maine, Minnesota, California, and Washington currently maintain Chemicals of High Concern Lists.

Minnesota passed legislation in 2009 to create a list to identify chemicals which could be harmful to human or environmental health and specifically chemicals which are suspected carcinogens, reproductive or developmental toxicants, or persistent, bioaccumulative and toxic or very persistent and very bioaccumulative.<sup>1</sup>

Washington passed the Children's Safe Products Act (CSPA) in 2008, requiring its Department of Ecology, in consultation with the Department of Health, to develop a list of chemicals of high

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<sup>1</sup> 2013 Minnesota Chemicals of High Concern Report, Executive Summary, *available at* [http://www.maine.gov/dep/safechem/high\\_concern/](http://www.maine.gov/dep/safechem/high_concern/)

concern for children and to establish rules for manufacturers of children's products to report on their use of these chemicals.<sup>2</sup> Information reported under the CSPA can be used by policy makers to determine what, if any, further actions might be required to assure consumers that children's products on the shelves are safe. The CSPA marks a significant departure from other laws aimed at reducing the threats and impacts caused by the continued and increasing use of toxic chemicals.<sup>3</sup> Washington State's law is considered to be stronger than any other chemical disclosure law in the United States.<sup>4</sup>

Washington's CSPA created a searchable, online database that includes 66 chemicals. These chemicals were chosen because studies have linked them to cancer or to reproductive, developmental, or neurological effects in animals or people.<sup>5</sup> In most cases, no one knows what, if anything, exposure to small doses of these chemicals may do to people, especially babies and toddlers who tend to chew on items or rub them on their skin.<sup>6</sup> For many of these compounds, there has been little or no research to investigate children's exposure to them.<sup>7</sup> According to Dr. Sheela Sathyanarayana, a pediatric researcher at the University of Washington and the Seattle Children's Research Institute, who advised state officials when the disclosure rules were written, "Children are uniquely vulnerable to exposures given their hand-to-mouth behaviors, floor play and developing nervous and reproductive systems."<sup>8</sup>

Officials with CSPA agree with the Toy Industry Association that the presence of a substance on the Washington state list in a toy or game doesn't automatically mean there is a risk or cause for concern.<sup>9</sup> However, the new law is already driving changes in products. Some companies, including Wal-Mart, Gap, Nike, and Johnson & Johnson have filed documents with the state stating they would eliminate some chemicals on the state's list.<sup>10</sup>

### III. Effect of Proposed Changes:

**Section 1** creates s. 381.986, F.S., which provides it is the policy of the state to reduce the exposure of pregnant women and children to chemicals of high concern through the public identification of such chemicals and encourage the use of safer alternatives whenever possible. This section also contains definitions of chemicals of high concern, consumer product, and credible scientific evidence.

This section directs the Department of Health (department) to publish an initial list of at least 50, but no more than 100, chemicals of high concern by January 1, 2015. The department may cite lists developed by other states if funds are not available to create the list. The list would be reviewed by the department every three years and revised as needed. The initial list of chemicals

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<sup>2</sup> Washington's Children's Safe Products Act, Executive Summary, available at <http://www.ecy.wa.gov/programs/safa/rules/pdf/CSPAexcum.pdf>

<sup>3</sup> *Id.*

<sup>4</sup> Jane Kay, *EHN Special Report: 'Chemicals of high concern' found in thousands of children's products* (May 6, 2013), available at <http://www.environmentalhealthnews.org/ehs/news/2013/childrens-products>

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

of high concern would be published on the department's website and updated whenever the published list was revised. The criteria to designate a chemical of high concern is set out in this section. The department may include a chemical that has been formally identified by another state as a priority chemical or chemical of high concern if that state's criteria is substantially equivalent to the criteria set out in the proposed legislation.

The bill authorizes the department to join an interstate clearinghouse with other states and governmental entities to: promote use of safer chemicals in consumer products; organize chemical data; model policies related to safer alternatives to specific chemical uses; provide technical assistance to businesses and consumers regarding the use of safer chemicals; and initiate activities in support of state programs to promote the use of safer chemicals in consumer products.

**Section 2** provides an effective date of July 1, 2014.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill directs the department to create a list of at least 50, and no more than 100, chemicals of high concern by January 1, 2015. The Toy Industry Association has pointed out that the presence of a substance found in a toy or game doesn't automatically imply that it is a risk or cause for concern. Without additional information, consumers may make purchasing decisions based on the presence of a chemical in a product even though it might not be harmful to human health or a violation of any safety standard.

**C. Government Sector Impact:**

<b>Fiscal Impact</b>	<b>Fiscal Year 2014-15</b>			
<b>Agency/program</b>	<b>FTE</b>	<b>GR</b>	<b>Trust</b>	<b>Total</b>
Public Health Toxicology Section	2.5	\$117,402	\$0	\$117,402
Expenses		\$885	\$0	\$885
<b>Total</b>		\$118,287	\$0	\$118,287

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates Section 381.986, Florida Statutes.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.