

1 A bill to be entitled
 2 An act relating to the identification of high concern
 3 and priority chemicals; creating s. 381.992, F.S.;
 4 creating the "Toxic Free Kids Act"; providing
 5 definitions; requiring the Department of Health, in
 6 consultation with the Department of Environmental
 7 Protection, to generate a list of chemicals of high
 8 concern; authorizing the department, in consultation
 9 with the Department of Environmental Protection and
 10 the Fish and Wildlife Commission, to designate
 11 certain chemicals of high concern as priority
 12 chemicals; providing requirements for the review,
 13 revision, and publication of the list; providing
 14 exemptions from application of the act; authorizing
 15 the department to apply for and accept funds, grants,
 16 gifts, or services; providing for deposit and
 17 disbursement of such funds; authorizing the state to
 18 cooperate with other states in an interstate chemicals
 19 clearinghouse regarding chemicals in consumer
 20 products; providing an effective date.

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

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 24 Section 1. Section 381.992, Florida Statutes, is created
 25 to read:

26 381.992 Chemicals of high concern and priority chemicals.-

27 (1) This section may be cited as the "Toxic Free Kids
 28 Act."

29 (2) As used in this section, the term:
 30 (a) "Chemical of high concern" means a substance with a
 31 distinct molecular composition or a group of structurally
 32 related substances, including the breakdown products of the
 33 substance or substances that form through decomposition,
 34 degradation, or metabolism, that is identified on the basis
 35 of credible scientific evidence by a state, federal, or
 36 international agency, including, but not limited to, the
 37 California Environmental Protection Agency, the Washington
 38 Department of Ecology, the United States Department of
 39 Health, the United States Environmental Protection Agency,
 40 the United Nation's World Health Organization, and European
 41 Parliament Annex XIV concerning the Registration, Evaluation,
 42 Authorization, and Restriction of Chemicals, as being known
 43 or suspected with a high degree of probability to:
 44 1. Harm the normal development of a fetus or child or
 45 cause other developmental toxicity;
 46 2. Cause cancer, genetic damage, or reproductive harm;
 47 3. Disrupt the endocrine or hormone system;
 48 4. Damage the nervous system, immune system, or organs
 49 or cause other systemic toxicity;
 50 5. Be persistent, bioaccumulative, and toxic; or
 51 6. Be very persistent and very bioaccumulative.
 52 (b) "Children's product" means a consumer product
 53 intended for use by persons younger than 12 years of age,
 54 such as baby products, toys, car seats, personal care
 55 products, and clothing.
 56 (c) "Department" means the Department of Health.

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57 (d) "Safer alternative" means a substitute process,
58 product, material, chemical, strategy, or combination of
59 these that is technically feasible and serves a functionally
60 equivalent purpose to a chemical in a children's product
61 whose potential to harm human health is less than that of the
62 use of a priority chemical that it could replace.

63 (3) (a) By October 1, 2012, the department, in
64 consultation with the Department of Environmental Protection,
65 shall generate a list of chemicals of high concern.

66 (b) The department must review and revise the list at
67 least every 3 years. The department may add chemicals to the
68 list if the chemical meets one or more of the criteria in
69 paragraph (2) (a).

70 (c) The department shall consider for inclusion in the
71 list chemicals listed by a state, federal, or international
72 agency as a suspected carcinogen; as a reproductive or
73 developmental toxicant; as persistent, bioaccumulative, and
74 toxic; or as very persistent and very bioaccumulative.

75 (d) The department may consider for possible inclusion
76 in the list chemicals listed by another state as harmful to
77 human health or the environment.

78 (4) The department, in consultation with the Department
79 of Environmental Protection and the Fish and Wildlife
80 Conservation Commission, may designate a chemical of high
81 concern as a priority chemical if the department finds that
82 the chemical:

83 (a) Has been identified as a high-production volume
84 chemical by the United States Environmental Protection

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85 Agency; and

86 (b) Meets any of the following criteria:

87 1. Has been found through biomonitoring to be present in
88 human blood, including umbilical cord blood, breast milk,
89 urine, or other bodily tissues or fluids;

90 2. Has been found through sampling and analysis to be
91 present in household dust, indoor air, drinking water, or
92 elsewhere in the home environment; or

93 3. Has been found through monitoring to be present in
94 fish, wildlife, or the natural environment.

95 (5) By January 1, 2013, the department shall publish a
96 list of chemicals of high concern, including those designated
97 as priority chemicals, on the department's website and shall
98 update the list whenever a new chemical of high concern or
99 priority chemical is designated.

100 (6) This section does not apply to:

101 (a) Chemicals in used children's products.

102 (b) Priority chemicals used in the manufacturing process
103 but not present in the final product.

104 (c) Priority chemicals used in agricultural production.

105 (d) Motor vehicles as defined in s. 320.01, vessels as
106 defined in s. 327.02, or their component parts, except that
107 the use of priority chemicals in detachable car seats is not
108 exempt.

109 (e) Priority chemicals generated solely as combustion
110 byproducts or that are present in combustible fuels.

111 (f) Retailers.

112 (g) Pharmaceutical products or biologics.

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113 (h) A medical device as defined in the federal Food,
114 Drug, and Cosmetic Act, 21 U.S.C. s. 321(h).

115 (i) Food and food or beverage packaging, except a
116 container containing baby food or infant formula.

117 (j) Consumer electronics products and electronic
118 components, including, but not limited to, personal
119 computers; audio and video equipment; calculators; digital
120 displays; wireless phones; cameras; game consoles; printers;
121 and handheld electronic and electrical devices used to access
122 interactive software or their associated peripherals; or
123 products that comply with the provisions of directive
124 2002/95/EC of the European Union, adopted by the European
125 Parliament and Council of the European Union currently or
126 subsequently in effect.

127 (k) Outdoor sports equipment, including, but not limited
128 to, all-terrain vehicles as defined in s. 316.2074; personal
129 watercraft as defined in s. 327.02; off-highway motorcycles
130 as defined in s. 261.03; or attachments and repair parts for
131 such equipment.

132 (7) The department may apply for and accept any funds,
133 grants, gifts, or services made available to it by any agency or
134 department of the Federal Government or any other agency or
135 private individual in aid of any present or future health
136 program undertaken, maintained, or proposed. All moneys received
137 under this subsection shall be deposited in the State Treasury
138 and disbursed in the same manner as other funds of the
139 department.

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140 (8) The state may cooperate with other states in an
141 interstate chemicals clearinghouse responsible for identifying
142 and classifying chemicals in consumer products, including the
143 classification of priority chemicals in commerce; organizing and
144 managing available data on chemicals, including information on
145 uses, hazards, risks, and environmental and health concerns; and
146 producing and evaluating information on safer alternatives to
147 specific uses of priority chemicals.

148 Section 2. This act shall take effect July 1, 2012.