

By Senator Sobel

33-01144-13

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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 duty
24 to protect the health, safety, and welfare of its citizens, to
25 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.

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

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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.

57 (3) (a) By January 1, 2014, the department, in consultation
58 with the Department of Health, shall publish an initial list of

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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 cause
75 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 chemical
83 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

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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 met
102 and the chemical has been formally identified by another state
103 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.

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

116 (d) Provide technical assistance to businesses and

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117 consumers related to the use of safer chemicals.

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

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