

By Senator Sobel

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1 A bill to be entitled
2 An act relating to chemicals in consumer products;
3 creating s. 381.986, F.S.; providing legislative
4 intent; defining terms; requiring the Department of
5 Health to publish a list of chemicals of high concern
6 present in consumer products designed for use by
7 pregnant women and children; providing criteria for
8 inclusion on the list; authorizing the department to
9 participate with other states and governmental
10 entities in an interstate clearinghouse established
11 for specified purposes; providing an effective date.
12

13 WHEREAS, thousands of toxic chemicals intended for use by
14 pregnant women and children are present in consumer products
15 used in and around homes, daycares, and schools, and

16 WHEREAS, exposure to harmful chemicals found in products
17 specifically designated for use by pregnant women and children
18 has been linked to devastating health conditions such as
19 childhood cancer, asthma, premature puberty, infertility, and
20 learning and developmental disabilities, and

21 WHEREAS, consumers, including pregnant women, parents,
22 teachers, and business owners, need reliable information on
23 which they may base their purchasing decisions to ensure that
24 they are able to make healthy choices about the products they
25 buy, and

26 WHEREAS, abundant reliable, peer-reviewed scientific data
27 currently exists regarding the health and safety concerns of
28 toxic chemicals on pregnant women and children, and

29 WHEREAS, several states, including Maine, Washington, and

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30 Minnesota, have used available peer-reviewed scientific data to
31 produce lists of "chemicals of high concern" to inform the
32 public about important public safety information regarding toxic
33 chemicals, NOW, THEREFORE,

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

36

37 Section 1. Section 381.986, Florida Statutes, is created to
38 read:

39 381.986 Chemicals of high concern in consumer products.—

40 (1) It is the policy of this state, consistent with its
41 duty to protect the health, safety, and welfare of its citizens,
42 to reduce the exposure of pregnant women and children to
43 chemicals of high concern by publicly identifying such chemicals
44 and encouraging substitution with safer alternatives whenever
45 feasible.

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

47 (a) "Chemical" means any element, compound, or mixture of
48 elements or compounds including breakdown products formed
49 through decomposition, degradation, or metabolism.

50 (b) "Chemical of high concern" means a chemical identified
51 by the department which meets the criteria established in
52 subsection (4) or subsection (5).

53 (c) "Children" or "child" means a person younger than 18
54 years of age.

55 (d) "Consumer product" means an item designed or primarily
56 intended for use by pregnant women or children, including
57 component parts and packaging, sold for indoor or outdoor use in
58 or around a residence, child care facility, or school.

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59 (e) "Credible scientific evidence" means the results of a
60 study, the experimental design and conduct of which have
61 undergone independent scientific peer review, which are
62 published in a peer-reviewed journal, or in a publication of an
63 authoritative federal or international governmental agency,
64 including, but not limited to, the United States Department of
65 Health and Human Services National Toxicology Program, the
66 National Institute of Environmental Health Sciences, the United
67 States Food and Drug Administration, the Centers for Disease
68 Control and Prevention, the United States Environmental
69 Protection Agency, the World Health Organization, and the
70 European Chemicals Agency of the European Union.

71 (f) "Department" means the Department of Health.

72 (3) By January 1, 2015, the department, in consultation
73 with other state agencies, shall publish an initial list of at
74 least 50, but not more than 100, chemicals of high concern. If
75 funds are not available to create the list, the department may
76 cite lists developed by other states.

77 (a) The department shall review the list at least every 3
78 years and revise it as needed.

79 (b) The department shall publish the initial list of
80 chemicals of high concern on its website and update the website
81 whenever the published list is revised.

82 (4) A chemical may be designated as a chemical of high
83 concern if the department determines that:

84 (a) The chemical, based on credible scientific evidence, is
85 identified by a governmental agency as being known or likely to:

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

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

89 3. Damage the nervous system, immune system, hormone
90 system, or organs or cause other systemic toxicity; or

91 4. Be persistent, bioaccumulative, and toxic; and

92 (b) There is credible scientific evidence that the chemical
93 has been added to, or is present in, a consumer product used or
94 stored in or around a residence, child care facility, or school.

95 (5) In lieu of meeting the requirements of subsection (4),
96 a chemical may be designated as a chemical of high concern if
97 the department determines that:

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

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

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

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

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

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

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

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

121 Section 2. This act shall take effect July 1, 2014.