

## Chapter 6 – Environmental Health Rules

### Subchapter 7

#### CHEMICALS OF HIGH CONCERN IN CHILDREN’S PRODUCTS RULE

##### 1.0 Authority

This rule is adopted pursuant to 18 V.S.A § 1776 that states that, “Commissioner shall, after consultation with the Secretary of Natural Resources, adopt rules as necessary for the purposes of implementing, administering, or enforcing the requirements of this chapter.”

##### 2.0 Purpose

This rule provides the requirements for the disclosure and reporting of toxic substances that are intentionally added to a children’s product at a level above the PQL produced by the manufacturer or are present in a children’s product produced by the manufacturer as a contaminant at concentrations of 100 parts per million or greater.

##### 3.0 Scope

This rule applies to manufacturers of children products as defined by 18 V.S.A. § 1772(7) offered for sale in the State of Vermont.

##### 4.0 Definitions

Any terms used in this rule but not defined in this section shall have the meaning found in 18 V.S.A. §1772. Whenever used in this rule, the following terms shall be construed as follows:

**4.1** “Department” means the Vermont Department of Health.

**4.2** “Commissioner” means the Commissioner of Health.

**4.3** “Chemical of high concern to children” means a chemical listed under section 18 V.S.A. §1773 or designated by the Department as a chemical of high concern by this rule.

**4.4** "Manufacturer" means any person who manufactures a children's product or whose name is affixed to a children's product or its packaging or advertising, and the children's product is sold or offered for sale in Vermont; or any person who sells a children's product to a retailer in Vermont when the person who manufactures the children's product or whose name is affixed to the children's product or its packaging or advertising does not have a presence in the United States other than the sale or offer for sale of the manufacturer's products.

**4.5** "Practical quantification limit (PQL)" means the lowest concentration that can be reliably measured within specified limits of precision, accuracy, representativeness, completeness, and comparability during routine laboratory operating conditions.

- 4.6** “Product component” means the uniquely identifiable material or coating (including ink or dye) that is intended to be included as part of a finished children’s product.
- 4.7** “Product model” means the specific product name used by the retailer or assembler to place the product into the stream of commerce.
- 4.8** "Contaminant" means a trace amount of a chemical or chemicals that is incidental to manufacturing and serves no intended function in the children's product or component of the children's product, including an unintended by-product of chemical reactions during the manufacture of the children's product, a trace impurity in feed-stock, an incompletely reacted chemical mixture, and a degradation product.

## **5.0 Chemicals of High Concern to Children**

The following chemicals are designated as chemicals of high concern to children:

- (1) Formaldehyde.
- (2) Aniline.
- (3) N-Nitrosodimethylamine.
- (4) Benzene.
- (5) Vinyl chloride.
- (6) Acetaldehyde.
- (7) Methylene chloride.
- (8) Carbon disulfide.
- (9) Methyl ethyl ketone.
- (10) 1,1,2,2-Tetrachloroethane.
- (11) Tetrabromobisphenol A.
- (12) Bisphenol A.
- (13) Diethyl phthalate.
- (14) Dibutyl phthalate.
- (15) Di-n-hexyl phthalate.
- (16) Phthalic anhydride.
- (17) Butyl benzyl phthalate (BBP).
- (18) N-Nitrosodiphenylamine.
- (19) Hexachlorobutadiene.
- (20) Propyl paraben.
- (21) Butyl paraben.

- (22) 2-Aminotoluene.
- (23) 2,4-Diaminotoluene.
- (24) Methyl paraben.
- (25) p-Hydroxybenzoic acid.
- (26) Ethylbenzene.
- (27) Styrene.
- (28) 4-Nonylphenol; 4-NP and its isomer mixtures including CAS 84852-15-3 and CAS 25154-52-3.
- (29) para-Chloroaniline.
- (30) Acrylonitrile.
- (31) Ethylene glycol.
- (32) Toluene.
- (33) Phenol.
- (34) 2-Methoxyethanol.
- (35) Ethylene glycol monoethyl ester.
- (36) Tris(2-chloroethyl) phosphate.
- (37) Di-2-ethylhexyl phthalate.
- (38) Di-n-octyl phthalate (DnOP).
- (39) Hexachlorobenzene.
- (40) 3,3'-Dimethylbenzidine and Dyes Metabolized to 3,3'-Dimethylbenzidine.
- (41) Ethyl paraben.
- (42) 1,4-Dioxane.
- (43) Perchloroethylene.
- (44) Benzophenone-2 (Bp-2); 2,2',4,4'-Tetrahydroxybenzophenone.
- (45) 4-tert-Octylphenol; 4(1,1,3,3-Tetramethylbutyl) phenol.
- (46) Estragole.
- (47) 2-Ethylhexanoic acid.
- (48) Octamethylcyclotetrasiloxane.
- (49) Benzene, Pentachloro.
- (50)(50) C.I. Solvent yellow 14.
- (51) N-Methylpyrrolidone.
- (52) 2,2',3,3',4,4',5,5',6,6'-Decabromodiphenyl ether; BDE-209.
- (53) Perfluorooctanyl sulphonic acid and its salts; PFOS.

- (54) Phenol, 4-octyl.
- (55) 2-Ethyl-hexyl-4-methoxycinnamate.
- (56) Mercury and mercury compounds including methyl mercury (22967-92-6).
- (57) Molybdenum and molybdenum compounds.
- (58) Antimony and Antimony compounds.
- (59) Arsenic and Arsenic compounds, including arsenic trioxide (1327-53-3) and dimethyl arsenic (75-60-5).
- (60) Cadmium and cadmium compounds.
- (61) Cobalt and cobalt compounds.
- (62) Tris(1,3-dichloro-2-propyl)phosphate.
- (63) Butylated hydroxyanisole; BHA.
- (64) Hexabromocyclododecane.
- (65) Diisodecyl phthalate (DIDP).
- (66) Diisononyl phthalate (DINP).

## **6.0 Disclosure Notice**

**6.1** Any notice submitted under 18 V.S.A. § 1775 shall contain the following information:

- 6.1.1** the name of the chemical used or produced and its chemical abstracts service registry number (18 V.S.A. § 1775(b)(1));
- 6.1.2** a description of the product, including the Global Product Classification (GPC) product brick description, or product component containing the chemical (18 V.S.A. § 1775(b)(2));
- 6.1.3** the amount of the chemical contained in each unit of the product or product component, reported by weight or parts per million as authorized by the Commissioner (18 V.S.A. § 1775(b)(3));
- 6.1.4** the name and address of the manufacturer of the children's product and the name, address, and telephone number of a contact person for the manufacturer (18 V.S.A. § 1775(b)(4));
- 6.1.5** any other information the manufacturer deems relevant to the appropriate use of the product (18 V.S.A. § 1775(b)(5));
- 6.1.6** the function of the chemical in the product;
- 6.1.7** the brand name and product model.

## **7.0 Reporting Ranges**

**7.1** A manufacturer may report ranges of the amount of a chemical in a children's product, rather than the exact amount, provided that if there are multiple

chemical values for a given component in a particular product category, the manufacturer shall use the largest value for reporting.

**7.2** The ranges are as follows:

- 7.2.1** Equal to or more than the PQL but less than 100 ppm (0.01%).
- 7.2.2** Equal to or more than 100 ppm (0.01%) but less than 500 ppm (0.05%).
- 7.2.3** Equal to or more than 500 ppm (0.05%) but less than 1,000 ppm (0.1%).
- 7.2.4** Equal to or more than 1,000 (0.1%) ppm but less than 5,000 ppm (0.5%).
- 7.2.5** Equal to or more than 5,000 ppm (0.5%) but less than 10,000 ppm (1.0%).
- 7.2.6** Equal to or more than 10,000 ppm (1.0%)

**8.0 Reporting Years and Periods**

- 8.1** The first reporting period will be from January 1, 2016 to July 1, 2016. Beginning on July 1, 2016, and biennially thereafter, a manufacturer of a children's product or a trade association representing a manufacturer of children's products, shall submit to the Department the notice described in Section 6.0 of this rule for each chemical of high concern to children in a children's product.
- 8.2** Any manufacturer required to submit notices to the Department pursuant to 18 V.S.A. § 1775, may provide notices no earlier than January 1 and no later July 1 of each reporting year.
- 8.3** Any manufacturer wishing to introduce for sale a new children's product in Vermont which contains a chemical of high concern to children between the reporting periods may do so and shall file subsequent notices within the reporting periods described in Section 8.2 of this rule.