

## Chemicals of High Concern to Children Working Group

*Date:* September 5, 2019

*Location and Time:* Vermont Department of Health, 108 Cherry St. 05402; 1:00pm-2:00pm

*Present:* Paul Burns (Vermont Public Research Interest Group), Marcy Gallagher (Vermont Public Interest Research Group), Martin Wolf (Seventh Generation), Bill Driscoll (Associated Industries of Vermont), Andy Hackman (Juvenile Product Manufacturers Association), Ruma Kohli (Global Foundries), Patty Shirk (Global Foundries), Nick Sherman Leonine Public Affairs (on behalf of Toy Association), Jennifer Gibbons (Toy Association), Lauren Heirl (Vermont Conservation Voters), Sheldon Goodwin (Vermont Conservation Voters) Tammi Wuestenberg (Vermont Department of Environmental Conservation), David Englander (Vermont Department of Health), Brendan Atwood (Vermont Department of Health), Sarah Vose (Vermont Department of Health), Kerry Morlock (Vermont Department of Health).

*Meeting Facilitator and Note Taker:* David Englander; Kerry Morlock

Agenda Item	Discussion
1. Opening Remarks	<ul style="list-style-type: none"> <li>• Mr. Englander provided an overview of the purpose of the meeting, the charge of the committee, and walked through the agenda.</li> <li>• Mr. Englander read the Legislative Council summary of S. 55.</li> </ul>
2. Degradation: <b>“5.0 Chemicals of High Concern</b>	<ul style="list-style-type: none"> <li>• The discussion started with a reference to the Department of Health’s (Department) previously proposed rulemaking that required the reporting of all chemicals that were</li> </ul>

<p><b>to Children</b></p> <p>“The following chemicals are designated as chemicals of high concern to children:</p> <p>(1) Formaldehyde <u>and substances that are intentionally added to release formaldehyde, including but not limited to, DMDM hydantoin, imidazolidinyl urea, diazolidinyl urea, and quaternium-15.”</u></p>	<p>added to a children’s product and degrade to a chemical on the list of Chemicals of High Concern.</p> <ul style="list-style-type: none"> <li>○ It was noted that due to concerns raised by manufacturers regarding how broad this provision was, the Department revised the proposal to what is included in Agenda Item 1.</li> </ul> <ul style="list-style-type: none"> <li>● The proposed provision addresses reporting on chemicals introduced into a product with the intention of degrading to formaldehyde.</li> <li>● Discussion moved to the use of formaldehyde donors and the relative risks of naturally occurring formaldehyde and chemicals intentionally added to degrade to formaldehyde.</li> <li>● Dr. Vose noted that formaldehyde is not less dangerous when it occurs naturally than when it is intentionally added to a product.</li> <li>● Mr. Burns suggested that the provision be broadened to require reporting of formaldehyde or formaldehyde donors regardless of whether the chemical was intentionally added to degrade to formaldehyde.</li> <li>● Mr. Wolfe commented that there is a reason for concern about the condition of components with naturally occurring formaldehyde, but that it may be counterproductive to list all products containing formaldehyde.</li> <li>● Mr. Hackman supported the inclusion of “intentionally added” but suggested that the provision be expanded to include “functionally to cause an effect” in order to provide clarity to manufacturers during product testing.</li> <li>● Ms. Kohli supported Mr. Hackman’s suggestion about adding language regarding functionality. Ms. Kohli also suggested that the scope of what needs to be reported be well-defined for manufacturers.</li> <li>● Mr. Wolfe noted that environmental degradation products are less likely to be intentionally added to a children’s product for the purpose of degrading into formaldehyde, as compared to formaldehyde-releasing preservatives that are added in a children’s product to specifically break down into formaldehyde.</li> </ul>
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	<ul style="list-style-type: none"> <li>• A question was raised as to whether formaldehyde donors would be reported under the donor chemical name or as formaldehyde.</li> <li>• It was clarified that formaldehyde donors would be reported as formaldehyde and that the concentration of the formaldehyde would be reported. This can be included in Program guidance.</li> <li>• Mr. Wolfe expressed concern about only including the level of formaldehyde when reporting since levels of formaldehyde could be variable over time.</li> <li>• Mr. Wolfe suggested that the rule include “formaldehyde releasing agents” and that when reporting, the specific chemical donor be listed. Mr. Wolfe added that new preservatives could be addressed through guidance when they emerge onto the market.</li> </ul>
<p>3. <b>“8.0 Reporting Years and Periods</b></p> <p><b>8.1</b> On or before August 31, 2020 and annually 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. The submission schedule is:</p> <p><b>8.1.1</b> Submission on or prior to August 31, 2020 for products offered for sale between September 1,</p>	<ul style="list-style-type: none"> <li>• There was a question regarding the formatting of this section, and it was decided that 8.1.2 should be reformatted as its own section to clarify the requirements for reporting a new product between annual reporting periods.</li> <li>• Clarification was also provided that the language will be revised to clarify that products shall be reported “no later than” 30 days after offering the product for sale in Vermont.</li> <li>• There was discussion about the feasibility for manufacturers to meet this 30-day window for reporting.</li> <li>• Ms. Kohli noted that this could be challenging, especially in situations where suppliers are changed on short notice.</li> <li>• Mr. Hackman agreed that this could be a difficult timeline to meet.</li> <li>• Mr. Wolfe noted that his company generally plans from 6 months to 2 years in advance of offering a product for sale, and that the 30-day reporting window was not a concern for him.</li> <li>• Mr. Burns commented that VPIRG believes that products should be reported before entering the marketplace.</li> </ul>

<p>2018 and August 31, 2020;</p> <p><b>8.1.2</b> <u>After August 31, 2020, submissions shall be made within 30 days of the product being offered for sale in Vermont.</u></p> <p><b>8.1.3</b> Submissions shall continue annually thereafter.</p>	<ul style="list-style-type: none"> <li>• Mr. Englander inquired as to what timeframe would be reasonable for manufacturers and Ms. Kohli stated that she would need to follow up with an alternative reporting period.</li> <li>• The floor was opened to public comments, and there were none.</li> </ul>
<p>4. Closing Remarks</p>	<ul style="list-style-type: none"> <li>• The Department noted that comments will be accepted until COB September 20, 2019.</li> <li>• Another Working Group meeting will be scheduled before the end of 2019.</li> <li>• Adjourned.</li> </ul>