

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 605
Version: First Engrossment

DATE: February 26, 2013

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Subject: Harmful chemicals in children's products

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Overview

This bill provides a process for the Pollution Control Agency (PCA) to review chemicals contained in children's products and to prohibit sale of products that contain priority chemicals.

Section

- 1** **Pollution Control Agency.** Amends § 13.7411, subd. 8. Provides that trade secret information related to priority chemicals that is submitted to the PCA are classified under Minnesota Statutes, §§ 116.9403 to 116.9417.
- 2** **Definitions.** Amends § 116.9401. Makes conforming technical change. Adds definitions for "mouthable," "practical quantification limit," "product category" and "product component." Modifies the definition of "safer alternative."
- 3** **Identification of priority chemicals.** Amends § 116.9403.
 - Subd. 1.** Makes technical changes.
 - Subd. 2.** Provides that identification of a chemical that is a trade secret as a priority chemical is classified as public data.
 - Subd. 3.** Provides that designation or publication of the identity of a priority chemical is not misappropriation of a trade secret.
- 4** **Applicability.** Amends § 116.9405. Makes technical change. Excludes children's products produced at a rate of less than 3,000 units per year.
- 5** **Donations to the state.** Amends § 116.9406. Makes conforming technical changes.

Section

- 6 Children's products; reporting information on priority chemicals; timing.** Specifies a schedule by which manufacturers and distributors of children's products must report certain information based on aggregate gross sales within and outside the state.
- 7 Children's products; reporting information on priority chemicals.** Adds § 116.9409. Requires manufacturers and distributors of a children's product that contains a priority chemical to report certain information to the PCA.
- 8 Children's products; manufacturer's or distributor's options.** Adds § 116.9411. Requires manufacturers and distributors of children's products that contain a priority chemical to do the following:
- ▶ obtain determination from the PCA that it is unlikely to expose a child to the priority chemical;
 - ▶ remove the chemical;
 - ▶ discontinue offering the product for sale in the state; or
 - ▶ obtain a waiver from the PCA.
- 9 Children's products; exposure determination.** Adds § 116.9413. Requires the PCA to determine whether a child is likely to be exposed to a priority chemical within 180 days of receiving information from manufacturers and distributors of a children's product under section 6. Requires the PCA to provide written notice of the determination within 30 days. Provides a process for obtaining information if a manufacturer or distributor does not provide requested additional information.
- 10 Children's products; sale prohibition.** Adds § 116.9415. Provides that, upon receipt of a determination of exposure, a manufacturer or distributor must provide notice to the PCA of intent to use a safer alternative. Requires the PCA, after a determination of exposure, to issue notice of prohibition of sale and requires the PCA to give written notice to the manufacturer or distributor of the decision to prohibit sale in the state. Requires the manufacturers and distributors of a children's product issued a notice of prohibition to notify retailer of the effective date of the prohibited sale.
- 11 Children's products; waiver from sale prohibition.** Adds § 116.9417. Provides a process for manufacturers and distributors of a children's product that have been issued a notice of prohibition to apply to the PCA for a waiver from that prohibition. Classifies a waiver application as nonpublic data, but the fact that the waiver application was filed as public data.
- 12 Fees.** Adds § 116.9419. Requires the PCA to collect certain fees from manufacturers and distributors of children's products. Requires the fees be deposited into the environmental fund.
- 13 Enforcement.** Adds § 116.9423. Requires the PCA to enforce this act.
- 14 Report.** Requires the commissioner of the PCA to report the agency's plans for implementing this act by January 15, 2015.

Section

15 **Effective date.** Provides an immediate effective date for sections 1 to 14.