

- is contained in a children's product offered for sale in Minnesota;
- has been identified by the federal Environmental Protection Agency as a high-production volume chemical (1 million pounds annually); and
- is either present in humans, wildlife, indoor air, or drinking water, or is prohibited by another state.

4 [116.9404] Identification of safer alternatives.

Subd. 1. Department determination. Mandates the department to determine, for a priority chemical identified under section 3, whether a safer alternative is available for use and is a technically feasible replacement in the product in question.

In making the determination, the agency may presume, in the absence of convincing contrary evidence, that:

- the alternative is safer if it is not a chemical of high concern;
- a safer alternative is available if the children's product containing the chemical has been banned in another state; if the product is an item of clothing or a novelty; or if an alternative chemical is sold in the U.S.

Subd. 2. Department designation. Requires the department to designate a priority chemical as Level 1 if it determines a safer alternative is available and is a technically feasible replacement for a priority chemical; otherwise, it is designated as a Level 2 priority chemical. The department must designate at least 5 Level 1 and 2 chemicals by January 1, 2011, and publish the lists in the State Register and place them on the department Web site. An additional five chemicals must be designated Level 1 or Level 2 priority chemicals by January 1, 2013. The department must review the lists at least every two years.

5 [116.9405] Disclosure of information on priority chemicals.

Subd. 1. Reporting of chemical use. Requires a manufacturer or distributor of a product sold in Minnesota that contains a priority chemical to notify the department of that fact within 180 days of the chemical's designation under section 4. Specifies information that must be contained in the notice, including the number of products sold and the purpose of the chemical in the product.

Subd. 2. Supplemental information. Requires a manufacturer or distributor of a children's product containing a priority chemical to provide additional information to the department upon request, including:

- information on the likelihood of the chemical being released to the environment;
- information regarding the potential for specific uses of the chemical to harm human health and the environment; and
- an assessment of the availability, feasibility and cost of substituting a less harmful alternative chemical. If this assessment is not acceptable to the agency, it may assess a fee on the manufacturer or distributor to pay for an independent

assessment of safer alternatives by a contractor chosen by the department.

- 6** [116.9406] **Applicability.** Exempts certain products and actors from the provisions of this act, including:
- used products, motor vehicles or watercraft or their parts, except for detachable car seats;
 - priority chemicals present in combustible fuels or generated solely as combustion by-products;
 - retailers, unless acting knowingly to sell a prohibited product.
- 7** [116.9407] **Donations to the state.** Allows the commissioner to accept donations or grants to carry out the purposes of this act.
- 8** [116.9408] **Participation in interstate chemicals clearinghouse.** Authorizes the agency to participate in an interstate chemicals clearinghouse to promote safer chemicals in consumer products.
- 9** [116.9409] **Reports.** Requires the agency to report to the legislature by January 15, 2010, regarding its plans to implement this act. Requires the agency, and the Departments of Commerce and Human Services, to report to the legislature by January 15, 2012, with recommendations to evaluate and regulate toxic chemicals in all consumer products, and to promote product design that uses green chemistry.
- 10** [116.9410] **Enforcement.** Specifies that the agency will enforce the bill's provisions under sections 115.071, subdivisions 3 to 6.