

1.1 ..... moves to amend H.F. No. 3158, the delete everything amendment  
1.2 (H3158DE1), as follows:

1.3 Page 3, after line 24, insert:

1.4 "\$335,000 in 2015 is for costs incurred  
1.5 implementing Minnesota Statutes, sections  
1.6 116.9401 to 116.9425 as contained in this  
1.7 act."

1.8 Page 6, after line 13, insert:

1.9 "Sec. 2. Minnesota Statutes 2012, section 13.7411, subdivision 8, is amended to read:

1.10 Subd. 8. **Pollution Control Agency.** (a) **Hazardous waste generators.**  
1.11 Information provided by hazardous waste generators under section 473.151 and for which  
1.12 confidentiality is claimed is governed by section 116.075, subdivision 2.

1.13 (b) **Tests.** Trade secret information made available by applicants for certain projects  
1.14 of the Pollution Control Agency is classified under section 116.54.

1.15 (c) **Priority chemicals.** Information submitted to the Pollution Control Agency  
1.16 related to priority chemicals in children's products is classified under section 116.9403."

1.17 Page 14, after line 21, insert:

1.18 "Sec. 21. Minnesota Statutes 2012, section 116.9401, is amended to read:

1.19 **116.9401 DEFINITIONS.**

1.20 (a) For the purposes of sections 116.9401 to ~~116.9407~~ 116.9425, the following terms  
1.21 have the meanings given them.

1.22 (b) "Agency" means the Pollution Control Agency.

1.23 (c) "Alternative" means a substitute process, product, material, chemical, strategy,  
1.24 or combination of these that is technically feasible and serves a functionally equivalent  
1.25 purpose to a chemical in a children's product.

2.1 (d) "Chemical" means a substance with a distinct molecular composition or a group  
2.2 of structurally related substances and includes the breakdown products of the substance or  
2.3 substances that form through decomposition, degradation, or metabolism.

2.4 (e) "Chemical of high concern" means a chemical identified on the basis of credible  
2.5 scientific evidence by a state, federal, or international agency as being known or suspected  
2.6 with a high degree of probability to:

2.7 (1) harm the normal development of a fetus or child or cause other developmental  
2.8 toxicity;

2.9 (2) cause cancer, genetic damage, or reproductive harm;

2.10 (3) disrupt the endocrine or hormone system;

2.11 (4) damage the nervous system, immune system, or organs, or cause other systemic  
2.12 toxicity;

2.13 (5) be persistent, bioaccumulative, and toxic; or

2.14 (6) be very persistent and very bioaccumulative.

2.15 (f) "Child" means a person under 12 years of age.

2.16 (g) "Children's product" means a consumer product intended for use by children,  
2.17 such as baby products, toys, car seats, personal care products, and clothing.

2.18 (h) "Commissioner" means the commissioner of the Pollution Control Agency.

2.19 (i) "Contaminant" means a trace amount of a chemical that is incidental to  
2.20 manufacturing and serves no intended function in the product component. Contaminant  
2.21 includes, but is not limited to, unintended by-products of chemical reactions that  
2.22 occur during the manufacture of the product component, trace impurities in feedstock,  
2.23 incompletely reacted chemical mixtures, and degradation products.

2.24 (j) "Department" means the Department of Health.

2.25 (k) "Distributor" means a person who sells consumer products to retail  
2.26 establishments on a wholesale basis.

2.27 (l) "Green chemistry" means an approach to designing and manufacturing  
2.28 products that minimizes the use and generation of toxic substances.

2.29 (m) "Intentionally added chemical" means a chemical in a product that serves an  
2.30 intended function in the product component.

2.31 (n) "Manufacturer" means any person who manufactures a final consumer product  
2.32 sold at retail or whose brand name is affixed to the consumer product. In the case of a  
2.33 consumer product imported into the United States, manufacturer includes the importer  
2.34 or domestic distributor of the consumer product if the person who manufactured or  
2.35 assembled the consumer product or whose brand name is affixed to the consumer product  
2.36 does not have a presence in the United States.

3.1 (o) "Mouthable" means a product that can be placed into and kept in a child's  
3.2 mouth to be sucked or chewed, including any product or product part smaller than five  
3.3 centimeters in one dimension. A product that can only be licked is not mouthable.

3.4 (p) "Practical quantification limit" means the lowest concentration of a chemical that  
3.5 can be reliably measured within specified limits of precision, accuracy, representativeness,  
3.6 completeness, and comparability under routine laboratory operating conditions and the  
3.7 value of which:

3.8 (1) is based on scientifically defensible, standard analytical methods;

3.9 (2) may vary depending on the matrix and analytical method used; and

3.10 (3) will be determined by the commissioner, taking into consideration practical  
3.11 quantification limits established by federal or state agencies.

3.12 ~~(m)~~ (q) "Priority chemical" means a chemical identified by the Department of Health  
3.13 as a chemical of high concern that meets the criteria in section 116.9403.

3.14 (r) "Product category" means the brick level of the GS1 Global Product Classification  
3.15 (GPC) standard, which identifies products that serve a common purpose, are of a similar  
3.16 form and material, and share the same set of category attributes.

3.17 (s) "Product code" means the numeric representation of the item level of the  
3.18 GS1 electronic product code (EPC), the international article number (EAN), or the  
3.19 universal product code (UPC), whichever is used by a manufacturer to identify a unique  
3.20 company-specific or brand-specific product.

3.21 (t) "Product component" means a uniquely identifiable material or coating including,  
3.22 but not limited to, an ink or dye that is intended to be included as a part of a finished  
3.23 children's product.

3.24 ~~(n)~~ (u) "Safer alternative" means:

3.25 (1) an alternative whose potential to harm human health or the environment is less  
3.26 than that of the use of a priority chemical that it could replace;

3.27 (2) an alternative chemical that is not a priority chemical identified by the department  
3.28 under section 116.9403; or

3.29 (3) an alternative chemical that is not identified on the basis of credible scientific  
3.30 evidence by a state, federal, or international agency as being known or suspected with  
3.31 a high degree of probability to:

3.32 (i) harm the normal development of a fetus or child or cause other developmental  
3.33 toxicity;

3.34 (ii) cause cancer, genetic damage, or reproductive harm;

3.35 (iii) disrupt the endocrine or hormone system; or

4.1 (iv) damage the nervous system, immune system, or organs, or cause other systemic  
4.2 toxicity.

4.3 (v) "Toy" means a product designed or intended by the manufacturer to be used  
4.4 by a child at play.

4.5 (w) "Trade association" means a membership organization of persons engaging  
4.6 in a similar or related line of commerce, organized to promote and improve business  
4.7 conditions in that line of commerce and not to engage in a regular business of a kind  
4.8 ordinarily carried on for profit.

4.9 Sec. 22. Minnesota Statutes 2012, section 116.9402, is amended to read:

4.10 **116.9402 IDENTIFICATION OF CHEMICALS OF HIGH CONCERN.**

4.11 (a) By July 1, 2010, the department shall, after consultation with the agency,  
4.12 generate a list of chemicals of high concern.

4.13 (b) The department must periodically review and revise the list of chemicals of  
4.14 high concern at least every three years. The department may add chemicals to the list if  
4.15 the chemical meets one or more of the criteria in section 116.9401, paragraph (e). Any  
4.16 changes to the list of chemicals of high concern must be published on the department's  
4.17 Web site and in the State Register when a change is made.

4.18 (c) The department shall consider chemicals listed as a suspected carcinogen,  
4.19 reproductive or developmental toxicant, or as being persistent, bioaccumulative, and  
4.20 toxic, or very persistent and very bioaccumulative by a state, federal, or international  
4.21 agency. These agencies may include, but are not limited to, the California Environmental  
4.22 Protection Agency, the Washington Department of Ecology, the United States Department  
4.23 of Health, the United States Environmental Protection Agency, the United Nation's World  
4.24 Health Organization, and European Parliament Annex XIV concerning the Registration,  
4.25 Evaluation, Authorisation, and Restriction of Chemicals.

4.26 (d) The department may consider chemicals listed by another state as harmful to  
4.27 human health or the environment for possible inclusion in the list of chemicals of high  
4.28 concern.

4.29 Sec. 23. Minnesota Statutes 2012, section 116.9403, is amended to read:

4.30 **116.9403 IDENTIFICATION OF PRIORITY CHEMICALS.**

4.31 Subdivision 1. Designation; publication. (a) The department, after consultation  
4.32 with the agency, may designate a chemical of high concern as a priority chemical if the  
4.33 department finds that the chemical:

5.1 (1) has been identified as a high-production volume chemical by the United States  
5.2 Environmental Protection Agency; and

5.3 (2) meets any of the following criteria:

5.4 (i) the chemical has been found through biomonitoring to be present in human blood,  
5.5 including umbilical cord blood, breast milk, urine, or other bodily tissues or fluids;

5.6 (ii) the chemical has been found through sampling and analysis to be present in  
5.7 household dust, indoor air, drinking water, or elsewhere in the home environment; or

5.8 (iii) the chemical has been found through monitoring to be present in fish, wildlife,  
5.9 or the natural environment.

5.10 (b) By February 1, 2011, the department shall publish a list of priority chemicals in  
5.11 the State Register and on the department's Internet Web site and shall update the published  
5.12 list whenever a new priority chemical is designated. Any proposed changes to the list  
5.13 of priority chemicals must be published on the department's Web site and in the State  
5.14 Register and will be subject to a minimum 60-day public comment period. In the 60 days  
5.15 following the date of publication in the State Register, the public may submit comments  
5.16 to the department on the proposed changes to the priority chemical list. A final list of  
5.17 changes to the list of priority chemicals must be published on the department's Web site  
5.18 following the end of the comment period and the department's review and consideration of  
5.19 all comments received during this period before finalizing changes to the list.

5.20 Subd. 2. **Public data.** Notwithstanding section 13.37, subdivision 2, the presence  
5.21 and concentration and total amount of a priority chemical in a specific children's product  
5.22 reported to the agency under section 116.9409, clauses (1) to (6), are classified as public  
5.23 data.

5.24 Subd. 3. **Not misappropriation of trade secret.** Notwithstanding section 325C.01,  
5.25 subdivision 3, publication of the presence and concentration and total amount of a priority  
5.26 chemical in a specific children's product under this section is not misappropriation of  
5.27 a trade secret.

5.28 Sec. 24. Minnesota Statutes 2012, section 116.9405, is amended to read:

5.29 **116.9405 APPLICABILITY EXEMPTIONS.**

5.30 The requirements of sections ~~116.9401~~ 116.9408 to ~~116.9407~~ 116.9425 do not  
5.31 apply to:

5.32 (1) chemicals in ~~used~~ previously owned children's products;

5.33 (2) priority chemicals used in the manufacturing process, but that are not present  
5.34 in the final product;

5.35 (3) priority chemicals used in agricultural production;

6.1 (4) motor vehicles as defined in chapter 168 or watercraft as defined in chapter  
6.2 86B or their component parts, except that the use of priority chemicals in detachable  
6.3 car seats is not exempt;

6.4 (5) priority chemicals generated solely as combustion by-products or that are present  
6.5 ~~in combustible fuels;~~ in combustible petroleum fuels or in biofuel, as defined in section  
6.6 239.051, subdivision 5a;

6.7 (6) retailers, except if a retailer is also the producer, manufacturer, importer, or  
6.8 domestic distributor of a children's product containing a priority chemical or the retailer's  
6.9 brand name is affixed to a children's product containing a priority chemical;

6.10 (7) over-the-counter drugs, pharmaceutical products, dietary supplements, or  
6.11 biologics;

6.12 (8) a medical device as defined in the federal Food, Drug, and Cosmetic Act, United  
6.13 States Code, title 21, section 321(h);

6.14 (9) ~~food and food or beverage packaging, except a container containing baby food~~  
6.15 ~~or infant formula;~~

6.16 ~~(10)~~ consumer electronics products and electronic components, including but not  
6.17 limited to personal computers; audio and video equipment; calculators; digital displays;  
6.18 wireless phones; cameras; game consoles; printers; and handheld electronic and electrical  
6.19 devices used to access interactive software or their associated peripherals; or products that  
6.20 comply with the provisions of directive 2002/95/EC of the European Union, adopted by  
6.21 the European Parliament and Council of the European Union now or hereafter in effect; ~~or~~

6.22 (10) interactive software, such as computer games, and their storage media, such as  
6.23 compact discs;

6.24 (11) outdoor sport equipment, including snowmobiles as defined in section 84.81,  
6.25 subdivision 3; all-terrain vehicles as defined in section 84.92, subdivision 8; personal  
6.26 watercraft as defined in section 86B.005, subdivision 14a; watercraft as defined in section  
6.27 86B.005, subdivision 18; and off-highway motorcycles, as defined in section 84.787,  
6.28 subdivision 7, and all attachments and repair parts for all of this equipment;

6.29 (12) batteries; or

6.30 (13) a children's product, manufactured or distributed by an individual manufacturer  
6.31 or distributor, if fewer than 3,000 units of the children's product are manufactured or  
6.32 distributed annually in the United States by that manufacturer.

6.33 Sec. 25. Minnesota Statutes 2012, section 116.9406, is amended to read:

6.34 **116.9406 DONATIONS TO THE STATE.**

7.1 The commissioner may accept donations, grants, and other funds to carry out the  
7.2 purposes of sections 116.9401 to ~~116.9407~~ 116.9425. All donations, grants, and other  
7.3 funds must be accepted without preconditions regarding the outcomes of the regulatory  
7.4 oversight processes set forth in sections 116.9401 to ~~116.9407~~ 116.9425.

7.5 Sec. 26. **[116.9408] CHILDREN'S PRODUCTS; INITIAL NOTIFICATION**  
7.6 **ON PRIORITY CHEMICALS.**

7.7 (a) A manufacturer or distributor of a children's product offered for sale in this state  
7.8 that contains a priority chemical must, unless the children's product is not subject to  
7.9 regulation under section 116.9405, provide the information required under this section  
7.10 to the agency:

7.11 (1) within one year of the effective date of this act, if both the designation of the  
7.12 priority chemical under section 116.9403 and the offering for sale in this state of the  
7.13 children's product containing the priority chemical occurred prior to the effective date  
7.14 of this act;

7.15 (2) within one year of the priority chemical being designated under section 116.9403,  
7.16 if the children's product is initially offered for sale in this state before the designation and  
7.17 the designation is made after the effective date of this act; or

7.18 (3) within one year of the initial offering of the children's product for sale in this  
7.19 state, if the initial offering occurs after the priority chemical is designated under section  
7.20 116.9403 and the designation is made after the effective date of this act.

7.21 (b) An initial notification is required for each children's product that is known  
7.22 or believed likely to include a priority chemical in any amount and must include the  
7.23 following information submitted to the agency on a form developed by the commissioner:

7.24 (1) the name of the priority chemical and its Chemical Abstracts Service Registry  
7.25 number;

7.26 (2) in which of the following tiers the children's product containing a priority  
7.27 chemical belongs:

7.28 (i) Tier 1: a mouthable children's product intended to be used by children three years  
7.29 of age or younger or a children's product intended to be placed in a child's mouth or  
7.30 directly applied to a child's skin;

7.31 (ii) Tier 2: a children's product intended to be in direct contact with a child's skin for  
7.32 one hour or longer, including but not limited to clothing, jewelry, bedding, or a car seat;

7.33 (iii) Tier 3: a children's product intended to be in direct contact with a child's skin  
7.34 for less than one hour; or

8.1 (iv) Tier 4: a children's product in which a priority chemical is contained only in an  
8.2 internal component that, under normal use, is unlikely to come into direct contact with  
8.3 a child's skin or mouth;

8.4 (3) a description of the product component in which the priority chemical is present;  
8.5 and

8.6 (4) the name and address of the reporting manufacturer or distributor and the name,  
8.7 address, and telephone number of the contact person for the reporting manufacturer or  
8.8 distributor.

8.9 **Sec. 27. [116.9409] CHILDREN'S PRODUCTS; FULL PRODUCT REPORTING**  
8.10 **INFORMATION ON PRIORITY CHEMICALS; TIMING.**

8.11 A manufacturer or distributor of a children's product offered for sale in this state  
8.12 that contains a priority chemical must, unless the children's product is not subject to  
8.13 regulation under section 116.9405, provide the full product information required under  
8.14 section 116.9410 to the agency. The maximum length of time between the filing of the  
8.15 information required under section 116.9408, paragraph (a), and the filing of full product  
8.16 information required under section 116.9410 varies according to the manufacturer's or  
8.17 distributor's annual aggregate gross sales, both within and outside the state, as reported in  
8.18 the manufacturer's or distributor's most recently filed federal tax return, as follows:

8.19 (1) for a manufacturer or distributor with gross sales exceeding \$1,000,000,000, one  
8.20 year or, for a priority chemical designated under section 116.9403 before January 1, 2014,  
8.21 by two years after the effective date of this section;

8.22 (2) for a manufacturer or distributor with gross sales exceeding \$250,000,000 but  
8.23 less than or equal to \$1,000,000,000, 1-1/2 years or, for a priority chemical designated  
8.24 under section 116.9403 before January 1, 2014, by 2-1/2 years after the effective date  
8.25 of this section;

8.26 (3) for a manufacturer or distributor with gross sales exceeding \$100,000,000 but less  
8.27 than or equal to \$250,000,000, two years or, for a priority chemical designated under section  
8.28 116.9403 before January 1, 2014, by three years after the effective date of this section;

8.29 (4) for a manufacturer or distributor with gross sales exceeding \$5,000,000 but  
8.30 less than or equal to \$100,000,000, three years or, for a priority chemical designated  
8.31 under section 116.9403 before January 1, 2014, by four years after the effective date  
8.32 of this section;

8.33 (5) for a manufacturer or distributor with gross sales exceeding \$100,000 but less  
8.34 than or equal to \$5,000,000, four years or, for a priority chemical designated under section  
8.35 116.9403 before January 1, 2014, by five years after the effective date of this section; and



9.1 (6) for a manufacturer or distributor with gross sales less than or equal to \$100,000,  
9.2 five years or, for a priority chemical designated under section 116.9403 before January 1,  
9.3 2014, by six years after the effective date of this section.

9.4 Sec. 28. **[116.9410] CHILDREN'S PRODUCTS; FULL PRODUCT REPORTING**  
9.5 **INFORMATION ON PRIORITY CHEMICALS.**

9.6 (a) A manufacturer or distributor of a children's product offered for sale in the state  
9.7 that contains one or more priority chemicals must, except as provided in paragraph (e) or  
9.8 if the children's product is not subject to regulation under section 116.9405, provide the  
9.9 following full product information to the agency on a form developed by the commissioner:

9.10 (1) the name of each priority chemical and its Chemical Abstracts Service Registry  
9.11 number;

9.12 (2) in which of the following tiers the children's product containing a priority  
9.13 chemical belongs:

9.14 (i) Tier 1: a mouthable children's product intended to be used by children three years  
9.15 of age or younger or a children's product intended to be placed in a child's mouth or  
9.16 directly applied to a child's skin;

9.17 (ii) Tier 2: a children's product intended to be in direct contact with a child's skin for  
9.18 one hour or longer, including but not limited to clothing, jewelry, bedding, or a car seat;

9.19 (iii) Tier 3: a children's product intended to be in direct contact with a child's skin  
9.20 for less than one hour; or

9.21 (iv) Tier 4: a children's product in which a priority chemical is contained only in an  
9.22 internal component that, under normal use, is unlikely to come into direct contact with  
9.23 a child's skin or mouth;

9.24 (3) the product components, materials, or coatings that contain one or more priority  
9.25 chemicals;

9.26 (4) the concentration and total amount of each priority chemical contained in a  
9.27 children's product, a description of how the concentration was determined, and an  
9.28 evaluation of the accuracy of the determination. Concentrations at or above the practical  
9.29 quantification limit must be reported, but may be reported in the following ranges:

9.30 (i) greater than or equal to the practical quantification limit but less than 100 ppm;

9.31 (ii) greater than or equal to 100 ppm but less than 500 ppm;

9.32 (iii) greater than or equal to 500 ppm but less than 1,000 ppm;

9.33 (iv) greater than or equal to 1,000 ppm but less than 5,000 ppm;

9.34 (v) greater than or equal to 5,000 ppm but less than 10,000 ppm; and

9.35 (vi) greater than or equal to 10,000 ppm.

10.1 For the purposes of this section, "ppm" means parts per million;

10.2 (5) the product category or categories for the children's product;

10.3 (6) a description of the function of the priority chemical in the product, including  
10.4 whether it is present as a contaminant;

10.5 (7) the name and address of the manufacturer, distributor, or trade association filing  
10.6 the report and the name, address, and telephone number of the contact person for the  
10.7 reporting manufacturer, distributor, or trade association;

10.8 (8) evidence describing the extent to which a child is likely to be exposed to the  
10.9 priority chemical through normal use of the children's product;

10.10 (9) the number of units of the children's product sold or distributed in Minnesota  
10.11 or nationally;

10.12 (10) any other information the manufacturer or distributor deems relevant; and

10.13 (11) any other information requested by the commissioner.

10.14 (b) Reporting shall include all intentionally added chemicals at or above the  
10.15 applicable practical quantification limit, and contaminants present in a product component  
10.16 at a concentration above 100 ppm.

10.17 (c) Reporting parties are not required to include any specific formula information  
10.18 or the specific name and address of the facility that is responsible for introduction of a  
10.19 priority chemical into a children's product or product component.

10.20 (d) If the information required in paragraph (a) is not submitted in a timely fashion  
10.21 or is incomplete or otherwise unacceptable as determined by the agency, the agency may  
10.22 contract with an independent third party of the agency's choice to provide the information  
10.23 and may assess a fee on the manufacturer or distributor to pay the costs as specified  
10.24 under section 116.9419.

10.25 (e) The agency shall determine on a case-by-case basis if reporting the information  
10.26 in paragraph (a), clauses (3) to (9), is required by a manufacturer or distributor whose  
10.27 children's product belongs in Tier 4 under paragraph (a), clause (2).

10.28 (f) If a manufacturer claims that any of the information provided to the agency under  
10.29 this section is trade secret information under section 13.37, subdivision 1, the agency shall  
10.30 make a determination regarding the claim. Information determined to be public data shall  
10.31 be posted on the agency's Web site. This paragraph does not apply to the presence and  
10.32 concentration and total amount of a priority chemical in a specific children's product,  
10.33 which is governed under section 116.9403, subdivisions 2 and 3.

10.34 (g) A trade association may file the information required under this section on behalf  
10.35 of a manufacturer or distributor, provided that the trade association includes in the filing a

11.1 list of the manufacturers or distributors on whose behalf the trade association is reporting  
11.2 and all the information otherwise required of an individual manufacturer or distributor.

11.3 **Sec. 29. [116.9411] CHILDREN'S PRODUCTS; FULL PRODUCT REPORTING**  
11.4 **INFORMATION ON PRIORITY CHEMICALS; SECOND AND SUBSEQUENT**  
11.5 **REPORTS.**

11.6 (a) Following the initial submission of the information required under section  
11.7 116.9410, a manufacturer or distributor of a children's product offered for sale in the state  
11.8 that continues to contain a priority chemical must submit the information required under  
11.9 section 116.9410 to the agency every two years.

11.10 (b) If a reporting party determines that there has been no change in the information  
11.11 required to be filed under section 116.9410 since the most recent filing, the reporting party  
11.12 may submit a written statement indicating that the previously filed data is still valid, in  
11.13 lieu of a new duplicate complete report, and must submit the required fees.

11.14 (c) If a manufacturer or distributor is required to file more than one report under  
11.15 section 116.9410 on the same priority chemical in the same children's product code, each  
11.16 subsequent report must include the following information in addition to the information  
11.17 required under section 116.9410:

11.18 (1) the product code of the children's product; and

11.19 (2) a description of the manufacturer's attempts to remove the priority chemical  
11.20 from the children's product and any evaluation made of the use of safer alternatives to  
11.21 substitute for the priority chemical contained in the children's product, including the  
11.22 Chemical Abstracts Service Registry numbers of safer alternatives considered. If the  
11.23 manufacturer claims that any information provided to the agency under this clause is  
11.24 trade secret information under section 13.37, subdivision 1, the agency shall make a  
11.25 determination regarding the claim.

11.26 **Sec. 30. [116.9412] CHILDREN'S PRODUCTS; REMOVING A PRIORITY**  
11.27 **CHEMICAL; REPORTING REQUIREMENT.**

11.28 A manufacturer or distributor who removes a priority chemical from a children's  
11.29 product for which an initial notification has been filed under section 116.9408 or for which  
11.30 full product information has been filed under section 116.9410 must notify the agency  
11.31 of the removal at the earliest date possible. If the priority chemical removed is replaced  
11.32 by a safer alternative, the manufacturer or distributor must provide, on a form developed  
11.33 by the commissioner, the information in section 116.9410, paragraph (a), clauses (1) to  
11.34 (7), and the name of the safer alternative and its Chemical Abstracts Service Registry

12.1 number, or, if not replaced by a chemical alternative, a description of the techniques or  
12.2 design changes implemented. The safer alternative or nonchemical techniques or design  
12.3 changes are trade secrets.

12.4 **Sec. 31. [116.9419] FEES.**

12.5 (a) The agency shall, if applicable, assess and collect the following fees from  
12.6 manufacturers and distributors of children's products offered for sale in this state:

12.7 (1) a fee of \$1,000 for each full product report required under section 116.9410. If  
12.8 a children's product contains more than one priority chemical, each priority chemical is  
12.9 subject to this fee;

12.10 (2) a fee equal to the costs billed by the independent contractor plus the agency's  
12.11 actual incurred costs to bid and administer the contract for each contract issued under  
12.12 section 116.9410, paragraph (d); and

12.13 (3) a fee equal to twice the fee in clause (1) for the second full product report  
12.14 required under section 116.9410 on the same priority chemical in the same children's  
12.15 product. The fee for each subsequent full product report required under that section is  
12.16 correspondingly increased by an amount equal to the fee in clause (1).

12.17 (b) No fee is required for filing an initial notification under section 116.9408.

12.18 (c) The commissioner shall deposit all fees collected under this section in the  
12.19 environmental fund. All fees collected under this section are exempt from section  
12.20 16A.1285.

12.21 **Sec. 32. [116.9420] STATE AGENCY DUTIES.**

12.22 (a) The agency shall publish all data that is required to be filed under sections  
12.23 116.9410 and 116.9411 and that is not trade secret data on the agency's Web site and  
12.24 through other means determined by the commissioner.

12.25 (b) If a priority chemical continues to be used in a specific children's product after  
12.26 its manufacturer files a report required under section 116.9411, the commissioner may  
12.27 recommend options to further reduce or eliminate the use of the priority chemical in the  
12.28 report required under section 116.9425.

12.29 (c) The commissioner, in consultation with the commissioners of commerce and  
12.30 health, may use fee revenue in excess of program implementation costs to offer grants  
12.31 awarded competitively to manufacturers or other researchers to develop safer alternatives  
12.32 to priority chemicals in children's products, to establish alternatives as safer alternatives,  
12.33 or to accelerate the commercialization of safer alternatives.

13.1           (d) The commissioners of health and commerce shall develop and implement  
13.2 an education effort regarding priority chemicals in children's products. Education and  
13.3 outreach activities include, but are not limited to, consumer product safety advice;  
13.4 notification of recalls; identification of target audiences for product alerts and methods  
13.5 of notification; outreach and feedback at county and state fairs; publicity of reporting  
13.6 requirements of priority chemicals in children's products; and education of retailers about  
13.7 reporting requirements.

13.8           Sec. 33. **[116.9423] ENFORCEMENT.**

13.9           The agency shall enforce sections 116.9401 to 116.9424 and rules adopted  
13.10 thereunder in the manner provided by section 115.071, subdivisions 1, 3, 4, 5, and 6.  
13.11 Section 115.071, subdivision 2, does not apply to violations of sections 116.9401 to  
13.12 116.9424 and rules adopted thereunder.

13.13           Sec. 34. **[116.9424] RULES.**

13.14           The commissioner or the commissioner of commerce may adopt rules as necessary  
13.15 to implement, administer, and enforce sections 116.9401 to 116.9425.

13.16           Sec. 35. **[116.9425] REPORT.**

13.17           By November 15, 2015, and every three years thereafter, the commissioners of the  
13.18 Pollution Control Agency, health, and commerce shall report to the legislative committees  
13.19 with jurisdiction over environment and natural resources, commerce, and public health  
13.20 on the implementation of sections 116.9401 to 116.9424."

13.21           Renumber the sections in sequence and correct the internal references

13.22           Amend the title accordingly

13.23           Adjust amounts accordingly