

SENATE No. 2676

The Commonwealth of Massachusetts

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In the One Hundred and Ninety-Second General Court
(2021-2022)
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SENATE, February 10, 2022.

The committee on Consumer Protection and Professional Licensure, to whom was referred the petitions (accompanied by bill, Senate, No. 207) of Cindy F. Friedman and Joanne M. Comerford for legislation relative to the disclosure of toxic chemicals in children’s products; and (accompanied by bill, House, No. 939) of James K. Hawkins, Tami L. Gouveia and Michelle M. DuBois for legislation to direct the Department of Environmental Protection to publish a toxic chemicals of concern consumer products list, reports the accompanying bill (Senate, No. 2676).

For the committee,
Susan L. Moran

SENATE No. 2676

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**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to toxic-free kids.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 21A of the General Laws is hereby amended by inserting after
2 section 27 the following section:-

3 Section 28. (a) For the purposes of this section, the following terms shall have the
4 following meanings unless the context clearly requires otherwise:

5 “Board”, the science advisory board of the Toxics Use Reduction Institute at the
6 University of Massachusetts Lowell.

7 “Children”, natural persons under the age of 12.

8 “Children’s toy”, product designed or intended by the manufacturer to be used by a child
9 at play.

10 “Council”, the administrative council on toxics use reduction established in section 4 of
11 chapter 21I.

12 “Department”, the department of environmental protection.

13 “Engineered nanoobject”, a material with 1, 2 or 3 external dimensions in the nanoscale.

14 “Institute”, the Toxics Use Reduction Institute established in section 6 of chapter 21I.

15 “Manufacturer”, any person, firm, association, partnership, corporation, governmental
16 entity, organization, combination or joint venture which produces a children’s product or an
17 importer or domestic distributor of a children’s product that is produced in a foreign country.

18 “Nanoscale”, size range from approximately 1 nanometers to 100 nanometers.

19 “Practical quantification limit”, the lowest concentration of a chemical that can be
20 reliably measured within specified limits of precision, accuracy, representativeness,
21 completeness and comparability during routine laboratory operating conditions; provided, that
22 the practical quantification limit is based on scientifically defensible, standard analytical
23 methods; and provided further, that the practical quantification limit for a given chemical may be
24 different depending on the matrix and the analytical method used.

25 (b) The department, in consultation with the council and the board, shall maintain and
26 publish a list of toxic chemicals of concern in children’s products, hereinafter referred to as “the
27 chemicals of concern list”, which shall be available to the public on the department’s website.

28 The chemicals of concern list shall include:

29 (1) chemicals recognized as carcinogens, mutagens and reproductive toxins;

30 (2) chemicals recognized as persistent, bioaccumulative and toxic chemicals;

31 (3) chemicals recognized as endocrine disruptors; and

32 (4) any other chemicals of equivalent concern, as determined by the institute, in
33 consultation with the board.

34 As needed, but not less frequently than every 4 years, the department, in consultation
35 with the council and the board, shall update the chemicals of concern list to incorporate new
36 scientific information and data and shall publish the revised list on the department's website.

37 (c) A manufacturer of a children's toys for sale in the commonwealth that contains a
38 chemical that is included on the current chemicals of concern list under subsection (b) in an
39 amount determined by the board shall notify the department in writing on a biennial basis;
40 provided, however, if the children's product contains a listed chemical that is an engineered
41 nanoobject, the manufacturer shall notify the department in writing on a biennial basis regardless
42 of the amount of chemical present. The manufacturer's written notice to the department shall
43 include:

44 (1) the name of the chemical used or produced and its chemical abstracts service registry
45 number;

46 (2) a brief description of the product or product component containing the chemicals,
47 including the Global Product Classification product brick description;

48 (3) the brand name, product model, and the universal product code if the product has such
49 a code;

50 (4) a description of the function of the chemical in the product;

51 (5) the amount of the chemical used in each unit of the product or product component,
52 which may be reported in ranges, rather than the exact amount;

53 (6) potential safer alternatives to the chemical utilized and reasons why those alternatives
54 are not utilized;

55 (7) the name and address of the manufacturer and the name, address, and phone number
56 of a contact person for the manufacturer; and

57 (8) the function of the chemical in the product.

58 SECTION 2. Not later than September 1, 2023, the department of environmental
59 protection shall promulgate regulations and fees necessary for the implementation and
60 enforcement of Section 1.

61 SECTION 3. Not later than December 1, 2023, the department of environmental
62 protection, in consultation with the science advisory board of the Toxics Use Reduction Institute
63 at the University of Massachusetts Lowell and the administrative council on toxics use reduction
64 established in section 4 of chapter 21I of the General Laws, shall submit a report on the toxic
65 chemicals of concern in children's toys to the joint committee on public health and the joint
66 committee on the environment, natural resources and agriculture, the house and senate
67 committees on global warming and climate change. The report shall include policy
68 recommendations for addressing toxic chemicals in children's products, including, but not
69 limited to: (i) ways to inform consumers about toxic chemicals in children's toys; (ii) policies to
70 protect children from toxic chemical exposures; (iii) criteria for designating certain chemicals on
71 the chemicals of concern list established in subsection (b) of section 28 of chapter 21I of the
72 General Laws as dangerous chemicals that should be banned in children's toys; and (iv) any
73 proposed regulations and legislation necessary to carry out the report's recommendations. The

74 department shall make the report available on its website and may publicize it through any other
75 appropriate channels.