

# State Statutes Relating to “Green Chemistry,” Including Product Bans and Other Laws Requiring Reporting, Labeling, Special Fees or Alternatives Assessment

Updated December 9, 2014

State	Statute	Description	Scope	Reporting required	Alternatives assessment	Can ban products?	Can require labeling?	Can imposes fees?	Enacted	Effective Date(s)
CA	Proposition 65, the <a href="#">“Safe Drinking Water and Toxic Enforcement Act of 1986,”</a> now embodied in <a href="#">C.C.R. Title 27</a>	<p>Proposition 65 requires the governor to publish a <a href="#">list of chemicals known to cause cancer or interfere with reproduction</a> (also available as an <a href="#">Excel spreadsheet</a>). See <a href="#">FAQ</a>.</p> <p>Businesses may not expose individuals to listed chemicals without “clear and reasonable” warning. Business may not discharge listed chemicals into drinking water.</p> <p>Gov. Brown proposed new draft regulations in May 2014, in part to prevent private parties from “shaking down” business interests with frivolous Prop. 65 lawsuits.</p>	Chemicals “discharged or released” in such a way that they pass or “probably will pass” into any drinking water source. Includes “consumer product exposure,” defined as resulting from “a person’s acquisition, purchase, storage, consumption, or other reasonably foreseeable use of a consumer good, or any exposer that results from receiving a consumer service.”	No	n.a.	No	Yes	No	Nov 1986	Nov 1986

\*This Matrix includes information provided by the National Conference of State Legislatures, *State Limits on Contributions to Candidates*, Updated October 2013. Available at: <http://www.ncsl.org/research/elections-and-campaigns/campaign-contribution-limits-overview.aspx>

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	<p>Safer Consumer Products Regulations [<a href="#">CCR Title 22, Division 4.5, Chapter 55</a>]</p>	<p>Pursuant to the 2008 Green Chemistry Law, these regulations establish a list of ~1,200 “candidate chemicals” that are suspected toxins, from which the Department of Toxic Substances control (DTSC) is to select a subset of “priority products” and conduct “alternative analyses” on each. Manufacturers, importers, assemblers and retailers must notify DTSC when marketing any priority product in California. DTSC may then take steps to “maximize the use of acceptable and feasible alternatives” to sale of such products.</p>	<p>All consumer products, except food, pesticides, prescription drugs, medical devices, etc., as per <a href="#">CHSC 25251(e)</a>; excludes packaging.</p>	Yes	Industry (“responsible entities”) must provide to state [per Article 5]	Yes	No	No	Aug 2013	Oct 2013; list of priority products to be released between Apr. 2014 and Mar. 2015
CT	<p>State Child Protection Act [<a href="#">Chapter 420d, Sections 21a-335 through -376</a>]</p>	<p>2008 amendments [<a href="#">Public Act 08-106, HB 5650</a>] set limits for lead in children’s products and banned sale of products exceeding those limits (since superseded by federal law). Also prohibited the sale of toys or other articles for children that contain asbestos. Business selling any product containing a banned substance must file a “certification of disposition” accounting for its proper disposal.</p>	<p>Products for children under age 12, including clothing, jewelry, food, dietary supplements toys, and furniture.</p>	Yes	n.a.	Yes	No	Penalties for noncompliance only (per Sec. 21a-338)	2008	Oct 2008

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ME	"Kid Safe Product Act" [ <a href="#">Title 38, Chapter 16-D, "Toxic Chemicals in Children's Products"</a> ]	<p>Requires both manufacturers and distributors to report and to file "alternative assessments" for "<a href="#">chemicals of high concern to children.</a>" State has already identified 49 of a maximum of 70 such compounds. Three "<a href="#">priority chemicals</a>" have also been identified: nonylphenol (NP), nonylphenol ethoxylates A (NPE), and bisphenol A (BPA). DEP authorized to ban products if at least one safer alternative exists at comparable cost.</p> <p>Draft rules for <a href="#">cadmium</a>, <a href="#">mercury</a> and <a href="#">arsenic</a> were released on March 30, 2014, and became effective on June 2, 2014, and became effective on June 2, 2014. A similar proposed rule re <a href="#">formaldehyde</a> was withdrawn May 6, 2014 (see <a href="#">news report</a>). Gov. LePage had previously tried to reverse the designation of BPA. LePage's reversal on formaldehyde was <a href="#">publicly attributed</a> to lobbying by Koch Industries.</p>	Products for children under age 12, including toys, car seats, personal care products and clothing; includes packaging.	Yes	Industry must file with state within 180 days [ <a href="#">§1696-3</a> ]; no guidance issued	Yes	No	Draft rules for <a href="#">cadmium</a> , <a href="#">formaldehyde</a> , <a href="#">mercury</a> and <a href="#">arsenic</a> propose to impose a "one-time reporting fee," but does not specify the amount. <a href="#">Chapter 881</a> authorizes ad hoc reporting fees based on state's administrative costs.	2008	Jan 2010; <a href="#">various rules</a> took effect in 2010, 2011 and 2012; rules governing cadmium, mercury and arsenic became effective June 2, 2014, with reporting required within 180 days.
MI	Michigan Green Chemistry program	Begun by executive order, it creates a Green Chemistry Roundtable that meets quarterly to promote and coordinate green chemistry activities.	n.a.	No	n.a.	No	No	No	2006	2006

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MN	<a href="#">"Toxic Free Kids Act"</a>	Requires state to create lists of (a) <a href="#">"chemicals of high concern"</a> and (b) <a href="#">"priority chemicals."</a> A state Pollution Control Agency is charged with recommending ways to phase out priority chemicals in children's products. State's priority chemical list currently consists of: Bisphenol A; cadmium; decabromodiphenyl; formaldehyde; hexabromocyclododecane; lead; and three phthalates (DEHP, DBP and BBP). Corresponding "high concern" list contains >1700 items.	Products for children under age 12, including toys, car seats, personal care products and clothing.	No	n.a.	No	No	No	2009	July 2010
OR	<a href="#">SB 737 (2007)</a>	Requires Department of Environment Quality to develop list of "priority persistent bioaccumulative toxics" that have a "documented effect on human health, wildlife and aquatic life." State developed two lists, one of 69 persistent pollutants and another of 49 "legacy" pollutants that have already been banned but that still can be found at detectable levels in the environment.	n.a.	No	n.a.	No	No	No	2007	2010 (report to legislature)
VT	<a href="#">S. 239</a> [signed into law as <a href="#">Act 188 of the 2014 General Assembly</a> ]	Designates 67 chemicals of "high concern to children" [Section §1773] and authorizes the Commissioner of Health to expand the list each year. Requires reporting by manufacturers or trade associations if any listed chemical is (a) intentionally added to a children's product or (b) present in one "as a contaminant at a concentration of 100 parts per million or greater."	Consumer products sold at retail and marketed to children under age 12, including toys, cosmetics, jewelry, car seats, etc. Does not include food, tobacco, pesticides, drugs, consumer electronics and software, hunting or fishing equipment, snow sporting equipment (e.g., skis, boots), batteries, or soap. Includes all jewelry sold in vending machines.	Yes	n.a.	Yes	Yes	Yes, \$200 every two years "for each notice required"	Pending [2014]	July 2016 (unless phased in by Commissioner)

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WA	<a href="#">“Children’s Safe Products Act” [Chapter 70.240 RCW]</a>	<p>Requires state to create a list of <a href="#">“high priority chemicals,”</a> defined as those of a “high concern for children.” List currently covers 66 substances, beginning with “tier one” substances, which touch the mouth.</p> <p>(Some aspects of the original statute were preempted in July 2009 when Congress passed the <a href="#">Consumer Product Safety Improvemen Act.</a>)</p>	<p>Toys designed for use by “a child at play” [age not defined], children’s clothing [age not defined], child car seats, and cosmetics and jewelry for children under age 12. Includes “product components,” but not batteries. Does not include: athletic shoes; toy guns, darts, model rockets, catapults, and pocket knives; bicycles, tricycles and scooters; consumer electronics, video games, software, media and peripherals; sporting equipment, including skis, sleds and roller skates; toy “steam engines”; and chemistry sets.</p>	Yes	n.a.	No	No	Authorizes civil penalties for noncompliance	2008	Jan 2009; reporting began in Aug 2012 for large companies; all companies must report “tier one” substances by 2016.