

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019**

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HOUSE BILL 765

Short Title: Toxic-Free Kids Act. (Public)

Sponsors: Representatives Morey, Harrison, and Butler (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Rules, Calendar, and Operations of the House

April 16, 2019

A BILL TO BE ENTITLED

1 AN ACT TO PROTECT CHILDREN FROM THE HEALTH IMPACTS OF TOXIC
2 CHEMICALS IN CHILDREN'S PRODUCTS BY PROHIBITING THE SALE OF
3 CHILDREN'S PRODUCTS CONTAINING BISPHENOL A, TRIS, OR PHTHALATES.

4 Whereas, rates of chronic diseases among children, including childhood cancers,
5 autism spectrum disorders, certain birth defects, reproductive disorders, allergies, and
6 developmental disorders are increasing and are associated with children's exposures to
7 environmental agents; and

8 Whereas, infants and children are sensitive to toxic chemical exposure because their
9 neurological and endocrine systems are not fully developed and their ability to detoxify and
10 eliminate toxic residues is immature; and

11 Whereas, the Toxic Substances Control Act (TSCA), enacted in 1976, has allowed
12 more than 82,000 chemicals into commerce in the United States, and only about 200 of those
13 chemicals are subject to limited health and safety testing; and

14 Whereas, the chemicals known collectively as TRIS are added to plastics, foams, and
15 textiles as flame retardants, and these materials are then used in children's products such as car
16 seats, baby changing pads, and baby carriers, despite the fact that the U.S. Consumer Product
17 Safety Commission has determined that these chemicals are not the best way to prevent fires and
18 is currently updating its flammability standards; and

19 Whereas, studies show that TRIS chemicals may induce leukemia, the most common
20 childhood cancer; and

21 Whereas, phthalates are a group of chemical additives used as thickeners, softeners,
22 or controlled release agents in plastics used in a wide variety of children's products; and

23 Whereas, the U.S. Centers for Disease Control and Prevention have found that
24 phthalates, which are absorbed through the skin, are ubiquitous in the bodies of Americans, that
25 levels are increasing, and that the highest levels are found in children and women of reproductive
26 age; and

27 Whereas, several phthalates are listed as "probable" or "possible" human carcinogens
28 by the U.S. Environmental Protection Agency, and exposure to phthalates has been associated
29 with birth defects, shortened pregnancy, behavioral problems, lower IQ, and liver and kidney
30 damage; and

31 Whereas, Bisphenol A (BPA) is an industrial chemical regularly used by the plastics
32 industry for the production of items such as baby bottles, water bottles, food storage containers,
33 and metal can liners; and
34



1 (2) Phthalates, individually or in combination, greater than one-tenth of one
2 percent (0.10%) by weight (1,000 parts per million).

3 (3) TRIS in amounts greater than 50 parts per million in any component.

4 **"§ 130A-513. Applicability.**

5 The requirements of this Article shall not apply to any of the following:

6 (1) The sale or purchase of any previously owned product containing a substance
7 listed in G.S. 130A-512 made in casual or isolated sales and sales by nonprofit
8 organizations.

9 (2) Children's products manufactured using chemicals of high concern, when the
10 chemicals of high concern are not present in the final children's product.

11 (3) Chemicals of high concern used in agriculture production.

12 (4) Motor vehicles as defined in G.S. 20-4.01 and personal watercraft as that term
13 is defined in G.S. 75A-13.3, except that the use of chemicals of high concern
14 in detachable car seats is not exempt.

15 (5) Chemicals of high concern generated solely as combustion by-products or that
16 are present in combustible fuels.

17 (6) Pharmaceutical products or biologics.

18 (7) A medical device as defined in the federal Food, Drug, and Cosmetic Act (21
19 U.S.C. § 321).

20 (8) Consumer electronics products and electronic components, including personal
21 computers, audio and video equipment, calculators, digital displays, wireless
22 phones, cameras, game consoles, printers, and handheld electronic and
23 electrical devices used to access interactive software or their associated
24 peripherals, and products that comply with Directive 2002/95/EC of the
25 European Union (Restriction of the Use of Certain Hazardous Substances in
26 Electrical and Electronic Equipment).

27 (9) Outdoor sport equipment, including all-terrain vehicles and motorcycles as
28 those terms are defined in G.S. 20-4.01, and all attachments and repair parts
29 for outdoor sport equipment.

30 (10) Food and beverage packaging except a container containing infant food,
31 toddler food, or infant formula.

32 **"§ 130A-514. Notice that a children's product contains a chemical of high concern.**

33 On or after October 1, 2020, a retailer or distributor of a children's product, or a trade
34 organization on behalf of its member retailers or distributors, shall provide notice to the
35 Department of any children's products that contain a chemical regulated under this Article. The
36 notice shall be filed annually with the Department and shall include all of the following
37 information:

38 (1) The name of the chemical used or produced and its Chemical Abstracts
39 Service Registry Number.

40 (2) A brief description of the product or product component containing the
41 substance.

42 (3) A description of the function of the chemical in the product.

43 (4) The amount of the chemical used in each unit of the product or product
44 component. The amount may be reported in ranges rather than the exact
45 amount.

46 (5) The name and address of the product manufacturer and the name, address, and
47 phone number of a contact person for the product manufacturer.

48 (6) Any other information the retailer or distributor deems relevant to the
49 appropriate use of the product.

50 **"§ 130A-515. Adoption of rules.**

1 The Department may adopt rules as necessary to implement, administer, and enforce this
2 Article."

3 **SECTION 1.(b)** G.S. 130A-17(b) reads as rewritten:

4 "(b) The Secretary of Environment and Natural Resources and a local health director shall
5 have the same rights enumerated in subsection (a) of this section to enforce the provisions of
6 Articles ~~9 and 10-9~~, 10, and 24 of this Chapter."

7 **SECTION 1.(c)** G.S. 130A-18(b) reads as rewritten:

8 "(b) The Secretary of Environment and Natural Resources and a local health director shall
9 have the same rights enumerated in subsection (a) of this section to enforce the provisions of
10 Articles ~~9 and 10-9~~, 10, and 24 of this Chapter."

11 **SECTION 1.(d)** G.S. 130A-19(b) reads as rewritten:

12 "(b) The Secretary of Environment and Natural Resources and a local health director shall
13 have the same rights enumerated in subsection (a) of this section to enforce the provisions of
14 Articles ~~9 and 10-9~~, 10, and 24 of this Chapter."

15 **SECTION 1.(e)** G.S. 130A-20(b) reads as rewritten:

16 "(b) The Secretary of Environment and Natural Resources and a local health director shall
17 have the same rights enumerated in subsection (a) of this section to enforce the provisions of
18 Articles ~~9 and 10-9~~, 10, and 24 of this Chapter."

19 **SECTION 2.(a)** The Department of Environmental Quality, in consultation with the
20 Division of Public Health of the Department of Health and Human Services, shall report to the
21 General Assembly no later than January 1, 2021, summarizing and evaluating retailers' and
22 distributors' notices on chemicals of high concern under Section 1 of this act. The report shall
23 include recommendations for legislation to protect children's health and to improve the
24 alternatives assessment process, as well as the following elements:

- 25 (1) A summary of the information provided by the reports about the use of
26 chemicals of high concern in children's products.
- 27 (2) Evidence of children's exposure to chemicals of high concern.
- 28 (3) Opportunities for preventing children's exposure to chemicals of high concern.
- 29 (4) The availability of safer alternatives to each chemical of high concern.

30 **SECTION 2.(b)** The definitions in G.S. 130A-511, as enacted by Section 1 of this
31 act, apply to this section unless the context clearly requires otherwise.

32 **SECTION 3.** Section 1 of this act becomes effective December 1, 2019. The
33 remainder of this act is effective when it becomes law.