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State Laws address Chemical Control and Commerce

Total Number of Statutes Identified

72

State Statutes Regulating BPA			
# ST	11	# Statutes	12
ST		Citation	Summary
CA		Cal. Health & Safety Code §§ 108940-108941	Prohibits the manufacture, sale or distribution of bottles or cups which contain BPA at a detectable level above 0.1 parts per billion if the containers are designed to be used by children three years of age or younger. Requires manufactures to replace BPA in these products with the least toxic alternative and prohibits them from replacing BPA with certain carcinogens or reproductive toxicants. California's restrictions took effect July 1, 2013.
CT		Conn. Gen. Stat. § 21a-12b to 12c	Bans the manufacture, sale or distribution of reusable food or beverage containers—including baby bottles, spill-proof cups, sports bottles and thermoses—that contain BPA. The law also bans the manufacture, sale or distribution of baby food or infant formula sold in containers that contain BPA.
		Conn. Gen. Stat. §§ 21a-12e	Prohibits the manufacture, sale or distribution of thermal receipt paper or cash register receipt paper containing BPA. The restrictions took effect October 1, 2013, unless the U.S. Environmental Protection Agency does not identify a safe alternative to BPA in these products by that date
DE		6 Del. C. § 2509	Prohibits the sale of bottles or cups containing BPA if those containers are designed for use by children under four years of age.

IL		410 ILCS 44/10	Prohibits the sale of children’s food or beverage containers that contains bisphenol A. Children’s food or beverage containers means “an empty bottle or cup to be filled with food or liquid that is designed or intended by a manufacturer to be used by a child” less than 3 years of age.
ME		Me. Rev. Stat. Ann. tit. 38, §§ 1691; Resolve No. 2011-25	Approves the designation of BPA as a priority chemical under the state’s toxic chemicals in children’s products law (38 MRSA §1691 et al.). This law establishes certain reporting requirements for manufacturers of products containing priority chemicals and authorizes sales prohibitions of these products.
MD		Md. Code Ann., Health-Gen. §§ 24-304	Prohibits the manufacture, sale, or distribution of children’s bottles or cups that contain BPA after January 1, 2012. The law requires manufactures to replace BPA in these products with the least toxic alternative and prohibits them from replacing BPA with certain carcinogens or reproductive toxicants.
			Prohibit the manufacture, sale and distribution of containers of infant formula containing more than 0.5 parts per billion of BPA. The amended law also prohibits the state from purchasing infant formula in containers made with BPA.
MN		Minn. Stat. §§ 325F.173-175 (2009).	Prohibits the sale of any bottle or cup that is designed or intended for use by a child under three years of age and contains BPA. The ban applies to manufacturers and wholesalers beginning on January 1, 2010 and to retailers on January 1, 2011.
NY		N.Y. Envtl. Conserv. Law § 35-0501 (2010).	Prohibits the sale of pacifiers, baby bottles, sippy cups and other unfilled beverage containers for use by children under three years of age that contain BPA after December 1, 2010. The law also allows products to be labeled as BPA-free.

VT		18 V.S.A. §1512	Prohibits the manufacture, sale or distribution of reusable food or beverage containers such as baby bottles, spill-proof cups, sports bottles, and thermoses that contain BPA after July 1, 2012. The law also bans baby food and infant formula stored in BPA-containing plastic containers or jars after July 1, 2012, and in BPA-containing jars after July 1, 2014. The law requires manufactures to replace BPA in these products with the least toxic alternative and prohibits them from replacing BPA with certain carcinogens or reproductive toxicants.
WA		RCWA 70.280.010 to .060	Prohibits the manufacture, sale or distribution of empty bottles, cups or other food or beverage containers that contain BPA after July 1, 2011. Metal cans are exempted from this ban. The law also prohibits the manufacture, sale or distribution of empty sports bottles of 64 ounces or less that contain BPA after July 1, 2012. A provision of the law requires manufacturers to recall prohibited products and reimburse the retailer or any other purchaser for the product.
WI		Wis. Stat. § 100.335 (2010).	Prohibits the manufacture or sale at wholesale and retail of empty baby bottles and spill-proof cups for use by children 3 years of age or younger that contain BPA after June 15, 2010. Manufacturers of these products also must conspicuously label each product as not containing BPA.

Biomonitoring			
# ST	3	# Statutes	3
ST		Citation	Summary
CA	California Environmental Contaminant and Biomonitoring Program	Cal. Health & Safety Code §§ 105440-105459	Requires the California State Department of Health Services, in collaboration with the California Environmental Protection Agency, to establish the California Environmental Contaminant Biomonitoring Program to monitor the presence and concentration of designated chemicals in Californians. Requires the Department and the Agency to establish a Scientific Guidance Panel to assist the Department and the Agency. Requires the Department to provide public access to

			information and to report to the Legislature and the public.
IL	Biomonitoring Feasibility Study Act	110 ILCS 337/1; H.B. 680, 95th Gen. Assemb., Reg. Sess. (Ill. 2007)	Requires the University of Illinois at Chicago (UIC), Great Lakes Center for Occupational and Environmental Safety and Health to conduct an Environmental Contaminant Biomonitoring Feasibility Study that proposes the best way to establish an Illinois Environmental Contaminant Biomonitoring Program. Requires the Department of Public Health and the Environmental Protection Agency to establish a Scientific Guidance Panel that shall make recommendations regarding the design and implementation of the Program. Requires UIC to release a draft report, containing findings of the Feasibility Study, recommended activities, and costs of establishing the program, for public review and comment and for review by the Panel.
MD	Dept of Health and Mental Hygiene - Biomonitoring Program	Chap. 394, H.B. 181, 427th Gen. Assemb., Reg. Sess. (Md. 2010).	Requires the Department of Health and Mental Hygiene, in consultation with the Department of the Environment, to study the feasibility of establishing a biomonitoring program to monitor the presence and concentration of designated chemicals in residents of Maryland.

Green Chemistry			
# ST	6	# Statutes	12
ST		Citation	Summary
CA		Cal. Health & Safety Code §§ 25252, 25252.5, 25253, 25254, 25255, 25257	Establishes authority for the Department of Toxic Substances Control (DTSC) to develop regulations that create a process for identifying and prioritizing chemicals of concern and to create methods for analyzing alternatives to existing hazardous chemicals. Allows DTSC to take certain actions following an assessment that range from "no action" to "restrictions or bans." Establishes a Green Ribbon Science Panel made up of experts to provide advice on scientific matters, chemical policy recommendations and implementation strategies, as well as ensuring implementation efforts are based on a strong scientific foundation. Expands the role of the Environmental Policy Council, made up of the heads of all California Environmental Protection Agency boards and departments, to oversee critical activities related to the implementation of the green chemistry program. Agency, to establish the California Environmental Contaminant Biomonitoring Program to monitor the presence and concentration of designated chemicals in Californians. Requires the Department and the Agency to establish a Scientific Guidance Panel to assist the Department and the Agency. Requires the Department to provide public access to information and to report to the Legislature and the public.

CT	Chemical Innovations Institute within the University of Connecticut Health Center	2010 Conn. Acts 164 (Reg. Sess.).	Establishes a Chemical Innovations Institute within the University of Connecticut Health Center to foster green job growth and safe workplaces through clean technology innovation and green chemistry and provide assistance to businesses, state agencies, and nonprofit organizations that seek to utilize safe alternatives to chemicals that are harmful to public health and the environment. Requires the Institute to: research and identify chemicals that are important to the state economy; provide research and technical assistance concerning chemicals of concern to the environment and public health, as well as safe alternatives to such chemicals; coordinate and share information with institutes in other states and the interstate chemicals clearinghouse concerning safe alternative chemicals and the impact of such safe alternative chemicals on public health and the environment; and offer trainings for businesses regarding chemical regulations and safer chemical alternatives.
MD	Procurement of Green Product Cleaning Supplies	Md. Code Ann., Education §§ 5-112 (2012). Chapter No. 454; Amended 2012 (H.B. 1019)	Requires a county board, to the extent practicable and economically feasible, to procure green product cleaning supplies for use in its schools. Requires the county board to draft specifications that provide a clear and accurate description of the functional characteristics or nature of the green product cleaning supplies that are to be procured.
MI	Economic Development of the State	H.B. 4817, 95th Leg., Reg. Sess. (Mich. 2009)	Amends the Michigan Strategic Fund Act to include the definition of "green chemistry" and includes a firm that uses green chemistry as a design guidance under the definition of "research and development enterprise," making enterprises engaged in the development of "green chemistry" eligible for financial aid from the Research Center Fund.

	Promotion of Green Chemistry for Sustainable Economic Development and Protection of Public Health	Exec. Directive No. 2006-6 (Oct. 17, 2006).	Requires the Department of Environmental Quality to coordinate the efforts of state departments and agencies to promote pollution prevention and sustainable economic development through green chemistry by: encouraging the research, development, and implementation of innovative chemical technologies; promoting the use of chemical technologies that reduce or eliminate the use or generation of hazardous substances during the design, manufacture, and use of chemical products and processes; and encouraging the use of safer, less toxic, or non-toxic chemical alternatives to hazardous substances. Requires the Department to establish a Green Chemistry Support Program to promote and coordinate state green chemistry research, development, demonstration, education, and technology transfer activities. Requires the Department to convene a Green Chemistry Support Roundtable.
MN	Green Economy and Green Chemistry Law	S.F. 2510, 86th Leg., Reg. Sess. (Minn. 2010).	Amends the definition of "green economy" to include products, processes, methods, technologies, or services intended to increase the use of green chemistry.
	Toxic Free Kids Act	Minn. Stat. §§ 116.9401-116.9407 (2009).	Requires the Department of Health, in consultation with the Pollution Control Agency, to generate a list of chemicals of high concern. Permits the Department, in consultation with the Agency, to designate a chemical of high concern as a priority chemical if it has been identified as a high-production volume chemical and has been found to be present in any human bodily tissues or fluids, the home environment or the natural environment. Permits participation in an interstate chemicals clearinghouse. Requires the Agency to report with recommendations on: addressing priority chemicals in children's products, moving to safer alternatives, and incentives for product design that uses green chemistry.

<p>NY</p>	<p>Detergents and Other Household Cleaning Products</p>	<p>N.Y. Env'tl. Conserv. Law § 35-0107 (2010).</p>	<p>Requires manufacturers of household cleaning products distributed, sold, or offered for sale, to furnish to the Commissioner of the Department of Environmental Conservation information about the products, including the nature and extent of investigations and research performed by the manufacturer concerning the effects of such products on human health and the environment. Permits the Commissioner to restrict or limit the use of ingredients in household cleaning products after finding that any ingredient of household cleaning products distributed, sold, offered or exposed for sale is likely to materially affect adversely human health or the environment and holding a public hearing.</p>
	<p>Directing State Agencies to Reduce the Environmental Impact of Cleaning of State Facilities</p>	<p>Exec. Order No. 134 (Jan. 5, 2005).</p>	<p>Requires all State Agencies to procure and use cleaning products that have properties that minimize potential impacts to human health and the environment. Requires all State Agencies to purchase environmentally preferred cleaning products. Encourages local governments and school districts to review their purchasing and use of cleaning products and select those having properties that minimize potential impacts to human health and the environment.</p>
	<p>Establishing a State Green Procurement and Agency Sustainability Program</p>	<p>Exec. Order No. 4 (Apr. 24, 2008).</p>	<p>Establishes an Interagency Committee on Sustainability and Green Procurement. Requires the Committee to select a "priority categories" and "priority commodities, services, and technologies" for which the Committee shall develop "green procurement lists" and "green procurement specifications." Requires the Committee to develop procurement lists and procurement specifications that consider pollution reduction and prevention, waste reduction, recyclability, compostability and other factors. Requires each State agency and authority to develop and implement a Sustainability and Environmental Stewardship Program. Establishes a Sustainability and Green Procurement Advisory Council.</p>

	Pollution Prevention	N.Y. Env'tl. Conserv. Law §§ 28-0101-28-0113 (2008).	Requires the Department of Environmental Conservation to develop, coordinate, implement and measure policies, planning and programs to promote pollution prevention. Establishes small business pollution prevention and environmental compliance assistance program. Establishes a pollution prevention and environmental compliance coordinating council. Establishes the New York state pollution prevention institute program whose mission is to promote the purposes of this article through research, development, technology demonstration, technology transfer, education, outreach, recognition, and training programs in a manner consistent with the principles of pollution prevention, including but not limited to green chemistry and reuse and remanufacturing.
	Procurement and Use of Environmentally-Sensitive Cleaning and Maintenance Products	N.Y. Edu. Law § 409-i (2008).	Requires the Commissioner of General Services to establish guidelines and specifications for environmentally-sensitive cleaning and maintenance products for use in elementary and secondary school facilities. Requires the Commissioner to disseminate to all elementary and secondary schools guidelines and specifications for the purchase and use of environmentally-sensitive cleaning and maintenance products.

Chemical # ST	Policy 21	# Statutes	32
ST		Citation	Summary
CA		Cal. Health & Safety Code §§ 25252, 25252.5, 25253, 25254, 25255, 25257	Establishes authority for the Department of Toxic Substances Control (DTSC) to develop regulations that create a process for identifying and prioritizing chemicals of concern and to create methods for analyzing alternatives to existing hazardous chemicals. Allows DTSC to take certain actions following an assessment that range from "no action" to "restrictions or bans." Establishes a Green Ribbon Science Panel made up of experts to provide advice on scientific matters, chemical policy recommendations and implementation strategies, as well as ensuring implementation efforts are based on a strong scientific foundation. Expands the role of the Environmental Policy Council, made up of the heads of all California Environmental Protection Agency boards and departments, to oversee critical activities related to the implementation of the green chemistry program.
		Cal. Health & Safety Code §§ 108100-108515 (2008)	Permits the Department of Health Services to declare any substance or mixture of substances that meets certain requirements to be a hazardous substance. Requires labeling of hazardous substances. Permits the Department to summarily ban the sale or distribution of any hazardous substance or article. Prohibits the distribution of any art or craft material containing toxic substances causing chronic illness without the appropriate label.
CO	Hazardous Substances Act of 1973	Colo. Rev. Stat. §§ 25-5-501-25-5-512 (2008).	Permits the Department of Public Health and Environment to declare any substance or mixture of substances that meets certain requirements to be a hazardous substance. Requires labeling of hazardous substances. Permits the Department to ban the sale of a hazardous substance. Permits the Department to summarily ban the sale or distribution of any hazardous substance or article.

CT	An Act Concerning Child Product Safety	H.B. 5650, 2008 Gen. Assemb., Feb. Sess. (Conn. 2008).	Requires the Commissioners of Public Health and Environmental Protection to compile a list of toxic substances and the recommended maximum amount of such toxic substances that may exist in children's products. Requires the Commissioner of Consumer Protection to compile a list of safer alternatives to using said toxic substances. Requires certain consumer products determined by the Commissioner of Consumer Protection that bear lead-containing paint or that have lead in any part of the product and that a child may reasonably or foreseeably come into contact with, to carry a warning label. Permits the Commissioner of Consumer Protection to adopt a stricter standard than one hundred parts per million total lead content by weight for any part of a children's product if the Administrator determines that a stricter standard is feasible. Permits the Commissioner of Environmental Protection to participate in an interstate clearinghouse to (1) prioritize chemicals existing in commercial goods; (2) organize and manage available data on chemicals; (3) produce and inventory information on safer alternatives for specific uses of chemicals and model policies and programs related to such alternatives; and (4) provide technical assistance to businesses and consumers relating to safer chemicals.
	State Child Protection Act	Conn. Gen. Stat. §§ 21a-335-21a-376 (2008).	Permits the Commissioner of Consumer Protection, by regulation, to declare any substance or mixture of substances that meet the statutory requirements to be hazardous substances. Permits the Commissioner of Consumer Protection to promulgate regulations establishing safety requirements, safety standards, banned hazardous substances, labeling requirements, and testing procedures for articles intended for use by children. If the Commissioner of Consumer Products finds that labeling is inadequate to protect the public health and safety or the article presents an imminent danger to the public health and safety, he may by regulation declare such article to be a banned hazardous substance and require its

			removal from commerce.
IL	Uniform Hazardous Substances Act of Illinois	430 Ill. Comp. Stat. Ann. 35/1-35/16a (2008).	Permits the Department of Public Health to declare any substance or mixture of substances that meets certain requirements to be a hazardous substance. Requires labeling of hazardous substances. Permits the Department to ban the sale of a hazardous substance. Permits the Department to summarily ban the sale or distribution of any hazardous substance or article.
IN	Sales of Consumer and Other Products	Ind. Code Ann. §§ 16-41-39.4-7 (2008).	Prohibits the sale or distribution of a consumer product, surface coating material, food product or food packaging that is a banned hazardous substance under the Federal Hazardous Substances Act or has a specified lead content. Permits the state Department to require labeling of an item or signage to reflect that the item contains lead.
ME	Protect Children's Health and the Environment from Toxic Chemicals in Toys and Children's Products	Me. Rev. Stat. Ann. tit. 38, §§ 1691-1699-B (2008).	Requires the Department of Environmental Protection to publish a list of chemicals of high concern. Permits the Commissioner of Environmental Protection to designate a chemical of high concern as a priority chemical if the chemical meets certain criteria. Requires the Commissioner to designate at least two priority chemicals by January 2011. Requires a manufacturer or distributor of a children's product for sale in Maine that contains a priority chemical to notify the Department of the identity of the children's product, the number of units sold or distributed for sale in the State or nationally, the priority chemical or chemicals contained in the children's product, the amount of such chemicals in each unit of children's product, and the intended purpose of the chemicals in the children's product. Permits the Department to request additional information from the manufacturer or distributor including: information on the likelihood that the chemical will be released from the children's product; information on the extent to which the chemical is present in the environment or human body; and an assessment of the availability, cost, feasibility, and performance of alternatives to the priority chemical and the reason the

			<p>priority chemical is used in the manufacture of the children's product in lieu of identified alternatives. Permits the Board of Environmental Protection to adopt rules prohibiting the manufacture, sale, or distribution in Maine of a children's product containing a priority chemical if the Board finds that distribution of the children's product directly or indirectly exposes children and vulnerable populations to the priority chemical and one or more safer alternatives to the priority chemical are available at a comparable cost. Authorizes the Department to participate in an interstate clearinghouse to promote safer chemicals in consumer products in cooperation with other states and governmental entities. Requires the Department to develop a program to educate and assist consumers and retailers in identifying children's products that may contain priority chemicals.</p>
	<p>Toxic Use and Hazardous Waste Reduction</p>	<p>M.R.S.A. tit. 38, §§ 2301-2313 (2008).</p>	<p>Encourages an integrated approach to toxics use reduction, toxics release reduction, and hazardous waste reduction. Requires owners and operators of certain facilities to prepare pollution prevention plans and biennial progress reports. Requires plans to include: a statement of facility-wide management policy regarding toxics use, toxics release, and hazardous waste reduction; specific information for each production unit; goals for reducing the aggregate amount of toxic substances released and the aggregate amount of hazardous waste generated; and an employee awareness and training program. Requires progress reports to include: the goals established in the plan; a statement of the facility's progress toward achieving goals; a description of the techniques used to achieve identified reductions; a description of employee notification and involvement in the planning process; and a description of the pollution prevention techniques the owner or operator intends to undertake in the future.</p> <p>Establishes the Toxics Use, Toxics Release and Hazardous Waste Reduction Program to assist toxics users, toxics releasers, and</p>

			hazardous waste generators to eliminate or reduce the amounts, toxicity, and adverse environmental and public health effects of toxics use, toxics released and hazardous wastes generated.
	Safer Chemicals in Consumer Products and Services	Exec. Order Promoting Safer Chemicals in Consumer Products and Services (February 22, 2006).	Requires the Department of Environmental Protection to incorporate readily available information on source reduction and safer alternatives to hazardous chemicals in consumer products into their public education efforts. Requires the Department to continue to virtually eliminate mercury from human caused sources, assess lead-free alternatives to the current use of lead in consumer products, and review emerging information related to the availability of alternatives to brominated flame retardants. Requires executive branch agencies to avoid products and services that contain, use, or release chemicals that are PBTs or carcinogens whenever safer alternatives are available, effective, and affordable. Creates the Governor's Task Force to Promote Safer Chemicals. Requires the Task Force to identify and promote the use and development of safer alternatives to hazardous chemicals in consumer goods and services made, provided, or sold in Maine.
MD	Hazardous Materials	Md. Code Ann., Health-Gen. §§ 22-501-22-508 (2008).	Permits the Secretary of the Department of Health and Mental Hygiene to declare any substance or mixture of substances that meets certain requirements to be a hazardous substance. Requires the labeling of hazardous substances. Permits the Secretary to ban the sale of a hazardous substance. Permits the Secretary to summarily ban the sale or distribution of any hazardous substance or article.
	Child Care Products Containing Flame-Retardant Chemicals (TCEP) - Prohibition	Md. Code Ann., Health-Gen § 24-306 (2013)	Prohibiting a person from importing, selling, or offering for sale certain child care products containing certain flame-retardant chemicals (TCEP).

	Procurement of Green Product Cleaning Supplies	Md. Code Ann., Education §§ 5-112 (2012). Chapter No. 454; Amended 2012 (H.B. 1019)	Requires a county board, to the extent practicable and economically feasible, to procure green product cleaning supplies for use in its schools. Requires the county board to draft specifications that provide a clear and accurate description of the functional characteristics or nature of the green product cleaning supplies that are to be procured.
MA	Hazardous Substances Labeling Act	Mass. Gen. Laws, ch. 94B, §§ 1-10 (2008).	Prohibits any person from selling, delivering, giving away, or introducing into commerce any misbranded hazardous substance or banned hazardous substance. Permits the Commissioner of Public Health to declare any substance or mixture of substances, which meet certain requirements, to be a hazardous substance. Under this authority, the Commissioner has declared by regulation formaldehyde, urea-formaldehyde foamed in-place insulation, children's leaded jewelry (pre-empted), and baby bottles and sippy cups containing bisphenol A to be hazardous substances. The Commissioner has declared urea-formaldehyde foamed in-place insulation, children's leaded jewelry (pre-empted), and baby bottles and sippy cups containing bisphenol A to be banned hazardous substances. Requires urea-formaldehyde foamed in-place insulation, children's leaded jewelry (pre-empted), and baby bottles and sippy cups containing bisphenol A to be removed from commerce. (105 CMR 650).
MI	Hazardous Substances Act	Mich. Comp. Laws Serv. §§ 286.451-286.463 (2008).	Permits the Department of Agriculture to declare any substance or mixture of substances that meets certain requirements to be a hazardous substance. Requires labeling of hazardous substances. Permits the Department to ban the sale of a hazardous substance. Permits the Department to summarily ban the sale or distribution of any hazardous substance or article.

MN	Toxic Free Kids Act	Minn. Stat. §§ 116.9401-116.9407 (2009).	Requires the Department of Health, in consultation with the Pollution Control Agency, to generate a list of chemicals of high concern. Permits the Department, in consultation with the Agency, to designate a chemical of high concern as a priority chemical if it has been identified as a high-production volume chemical and has been found to be present in any human bodily tissues or fluids, the home environment or the natural environment. Permits participation in an interstate chemicals clearinghouse. Requires the Agency to report with recommendations on: addressing priority chemicals in children's products, moving to safer alternatives, and incentives for product design that uses green chemistry.
MT	Montana Consumer Product Safety Act of 1975	Mont. Code Ann. §§ 50-30-101-50-30-307 (2008).	Permits the Department of Public Health and Human Services to declare any substance or mixture of substances that meets certain requirements to be a hazardous substance. Requires the labeling of hazardous substances. Permits the Department to ban the sale of a hazardous substance. Permits the Department to summarily ban the sale or distribution of any hazardous substance or article.
NH	Labeling of Hazardous Substances	N.H. Rev. Stat. Ann. §§ 339A:1-339A:11 (2008).	Permits the Department of Health and Human Services to declare any substance or mixture of substances that meets certain requirements to be a hazardous substance. Requires labeling of hazardous substances. Prohibits the manufacture or sale of any misbranded hazardous substance. Prohibits the manufacture or sale of urea-formaldehyde foam insulation or a new home or new manufactured housing containing urea-formaldehyde foam insulation. Prohibits the sale of any particle board or fiber board or housing unit or manufactured housing constructed of particle board, fiber board, or any similar construction material, containing urea-formaldehyde resin without a written cautionary statement to the purchaser.
ND	Hazardous Substances Labeling Act	N.D. Cent. Code § 19-21-01-19-21-10 (2008).	Prohibits the sale of any misbranded hazardous substance or banned hazardous substance. Requires the labeling of hazardous substances.

OH	Labeling of Hazardous Substances	Ohio Rev. Code Ann. §§ 3716.01-3716.99 (2008).	Permits the Department of Health to declare any substance or mixture of substances that meets certain requirements to be a hazardous substance. Requires labeling of hazardous substances. Prohibits the sale of any misbranded package of a hazardous substance.
OR	Elimination of Persistent, Bioaccumulative, and Toxic Pollutants	Exec. Order No. 99-13 (Sept. 24, 1999).	Directs the Department of Environmental Quality to lead a state-wide effort to eliminate the releases of PBTs into the environment. Establishes initial goals, including: outlining a range of approaches that might be undertaken in Oregon to identify, track, and eliminate the release of PBTs into the environment by the year 2020; evaluating state, national, and international efforts to eliminate PBTs; using available information to identify which PBTs are generated in Oregon, determine what activities generate PBTs, estimate the amounts being generated, and identify missing data; and identifying ways to utilize education, technical assistance, pollution prevention, economic incentives, government procurement policies, compliance, and permitting activities to eliminate PBT releases.
	Hazardous Substances	Or. Rev. Stat. §§ 453.001-453.185 (2008).	Permits the Department of Human Services to declare any substance or mixture of substances that meets certain requirements to be a hazardous substance. Lists pentaBDE and octaBDE as hazardous substances (see also Oregon S.B. 962). Requires the Director of the Department to adopt standards for the labeling of hazardous substances. Permits the Department to ban the sale of a hazardous substance. Permits the Department to summarily ban the sale or distribution of any hazardous substance or article.

	Relating to Water Quality; Appropriating Money; Limiting Expenditures; and Declaring an Emergency.	S.B. 737, 74th Leg. Assemb., Reg. Sess. (Or. 2007).	Requires the Department of Environmental Quality to conduct a study of persistent pollutants discharged in the State of Oregon and report the results of that study to the Legislature. Requires the Department's report to include: a priority listing of persistent pollutants that pose a threat to the waters of the state, identification of individual point, nonpoint and legacy sources of priority listed persistent pollutants, and an evaluation and assessment of source reduction and technological control measures that can reduce the discharge of persistent pollutants. Requires each permittee to submit a plan for reducing the permittee's discharges of persistent pollutants listed on the priority listing.
SC	Hazardous Substances Act	S.C. Code Ann. §§ 23-39-10-23-39-120 (2008).	Permits Department of Agriculture to declare any substance or mixture of substances that meets certain requirements to be a hazardous substance. Requires labeling of hazardous substances. Permits the Department to ban the sale of a hazardous substance. Permits the Department to summarily ban the sale or distribution of any hazardous substance or article.
TN	Hazardous Substances Act	Tenn. Code Ann. §§ 68-131-101-68-131-113 (2008).	Permits the Department of Agriculture to declare any substance or mixture of substances that meets certain requirements to be a hazardous substance. Requires labeling of hazardous substances. Permits the Department to ban the sale of a hazardous substance. Permits the Department to summarily ban the sale or distribution of any hazardous substance or article.
TX	Hazardous Substances Act	Tex. Health & Safety Code Ann. §§ 501.001-501.113 (2008).	Permits the Board of Health to declare any substance or mixture of substances that meets certain requirements to be a hazardous substance. Requires labeling of hazardous substances. Permits the Board to ban the sale of a hazardous substance. Permits the Board to summarily ban the sale or distribution of any hazardous substance or article.

VT	Prohibiting Certain Flame Retardants	9 V.S.A. 80 §2971 et seq.	Prohibits the manufacture, distribution, or sale of plastic shipping pallets that contain the brominated flame retardant decaBDE. Prohibits the manufacture, distribution, or knowing sale of children's products and residential upholstered furniture that contain the chlorinated flame retardants TCEP or TDCPP. The act prohibits the replacement of the flame retardants covered under the act with other harmful chemicals.
WA	Development of Chemical Action Plans	2005 Wash. Sess. Laws 519.	Appropriates funds for rulemaking and the development of chemical action plans for persistent bioaccumulative toxins. More specifically, appropriates funds for the development of a chemical action plan for PBDEs and mercury; for rulemaking to develop specific criteria by which chemicals may be included on a persistent bioaccumulative toxins list, develop a specific list of persistent bioaccumulative toxins, and establish criteria for selecting chemicals for chemical action plans; for the development of a memorandum of understanding with the Washington state hospital association and the auto recyclers of Washington to ensure the safe removal and disposal of products containing mercury; and for ongoing fluorescent lamp recycling.
	Relating to the Use of Bisphenol A	70 R.C.W. 280	Prohibits the manufacture, sale, or distribution of any empty bottle, cup, or other container, except a metal can, that contains bisphenol A if that container is designed or intended to be filled with any liquid, food, or beverage primarily for use by children three years of age or younger.

	Children's Safe Products Act	RCWA 70.240.010 to .060	<p>Contains limits on lead, cadmium, or phthalates in children's products (preempted by the Federal Consumer Product Safety Improvement Act). Requires the Department of Ecology, in consultation with the Department of Health, to identify high priority chemicals that are of high concern for children after considering a child's or developing fetus's potential of exposure to each chemical. Requires the Department to identify children's products or product categories that may contain chemicals of high concern. Requires the Department to submit a report on the chemicals of high concern to the legislature, which includes policy options for addressing children's products that contain chemicals of high concern for children. Requires a manufacturer to provide notice to the Department if the manufacturer's product contains a high priority chemical. Authorizes the Secretary to establish and maintain a product safety education campaign to promote greater awareness of children's products that contain chemicals of high concern. Requires manufacturers of products that are restricted to notify persons that sell the manufacturer's products and to recall the product. Requires the Department to develop and publish a web site that provides consumers with information on the chemicals used in children's products, the reason the chemical has been identified as a high priority chemical, and any safer alternatives to the chemical.</p>
	Persistent Toxic Chemicals	Exec. Order No. 04-01 (Jan. 28, 2004).	<p>Requires the Department of Ecology, in consultation with the Department of Health, to develop a chemical action plan that identifies actions the state may take to reduce threats posed by persistent, toxic chemicals found in flame retardants, known as polybrominated diphenyl ether (PBDEs). Requires the Department of Ecology to implement the mercury chemical action plan. Requires The Department of General Administration's Office of State Procurement to make available for purchase and use by all state agencies equipment, supplies, and</p>

			other products that do not contain persistent, toxic chemicals unless there is no feasible alternative.
WI	Hazardous Substances Act	Wis. Stat. § 100.37 (2008).	Permits the Department of Agriculture, Trade and Consumer Protection to declare any substance or mixture of substances that meets certain requirements to be a hazardous substance. Requires cautionary labeling of hazardous substances. Permits the Department to prohibit the sale of a hazardous substance. Permits the Department to summarily ban the sale or distribution of any hazardous substance or article. Prohibits the sale or distribution of certain hazardous substances, including: propyl nitrate; isopropyl nitrate; nitrous acid esters of all alcohols having the formula of 5 carbon atoms, 12 hydrogen atoms, and one oxygen atom; ethyl chloride; ethyl nitrite; and any toy containing elemental mercury.

State Statutes Regulating PBDEs			
# ST	12	# Statutes	13
ST		Citation	Summary
CA		West's Ann.Cal.Health & Safety Code § 108920 to 108923	Prohibits a person from manufacturing, processing or distributing a product, or a flame-retarded part of a product, containing more than one-tenth of 1 percent of pentaBDE or octaBDE, except for products containing small quantities of PBDEs that are produced or used for scientific research on the health or environmental effects of PBDEs.
HI		HRS § 332D-1 to 332D-3	Prohibits a person from manufacturing, processing or distributing a product, or a flame-retarded part of a product, containing more than one-tenth of one per cent, by mass, of pentaBDE, octaBDE, or any other chemical formulation that is part of these classifications. This prohibition does not apply to the processing of metallic recyclables containing pentaBDE or octaBDE.

IL		410 ILCS 48/1 to 48/99	Prohibits a person from manufacturing, processing or distributing a product, or a flame- retarded part of a product, containing more than one-tenth of 1 percent of pentaBDE or octaBDE. Exempts used products and the processing of recyclable material containing pentaBDE or octaBDE. Authorizes a study of the health and environmental effects of decaBDE.
ME		38 M.R.S.A. § 1609	Prohibits a person from selling or distributing a product containing more than 0.1% of the "penta" or "octa" mixtures of polybrominated diphenyl ethers. Prohibits a person from manufacturing, selling or distributing certain products containing the "deca" mixture of polybrominated diphenyl ethers. These products include mattresses, mattress pads, upholstered furniture, shipping pallets, televisions, and computers. Exempts transportation vehicles and parts, parts and equipment used in industrial manufacturing, and electronic cable and wiring used in power transmission. Requires manufacturers of products containing PBDE to notify retailers of prohibitions.
MD		MD Code, Environment, § 6-1201 to -1205	Prohibits a person from manufacturing, processing or distributing a product, or a flame- retarded part of a product, containing more than one-tenth of 1 percent of pentaBDE or octaBDE. Prohibits the manufacture, lease, sale or distribution of certain products containing decaBDE. Makes certain exemptions.
MI		M.C.L.A. 324.14721 to .14725	Prohibits the manufacturing, processing or distribution of products or materials containing than 1/10 of 1% of penta-BDE or octa-BDE. Authorizes PBDE advisory committee to study human health and environmental risks of PBDEs.
MN		M.S.A. § 325E.385 and .386	Prohibits a person from manufacturing, processing or distributing a product or flame-retardant part of a product containing more than one-tenth of one percent of pentabromodiphenyl ether or octabromodiphenyl ether by mass. Makes certain exemptions.

		M.S.A. § 325E.387	Requires state to review the commercial use and health and environmental risks of decaBDE.
NY		N.Y. Envtl. Conserv. Law § 37-0111	Prohibits a person from manufacturing, processing or distributing a product, or a flame-retardant part of a product, containing more than one-tenth of one per centum of pentabrominated diphenyl ether or octabrominated diphenyl ether, by mass. Makes certain exemptions.
OR		O.R.S. § 453.005	Lists pentaBDE, octaBDE and decaBDE as hazardous substances and therefore subject to labeling and product restrictions under O.R.S. §§ 453.005 to 435.185.
RI		Gen.Laws 1956, § 23-13.4-1	Codifies legislative finding that the state should develop a precautionary approach regarding the production, use, storage, and disposal of products containing brominated fire retardants. Prohibits a person from manufacturing, processing or distributing a product or a flame-retardant part of a product containing more than one-tenth (1/10 %) of one percent (1%) of pentaBDE or octaBDE. Makes certain exemptions. Authorizes a study of the health and environmental effects of decaBDE.
VT		9 V.S.A. § 2971	Prohibits a person from manufacturing, processing or distributing a product, or a flame- retarded part of a product, containing greater than 0.1 percent of pentaBDE or octaBDE by weight. Prohibits a person from manufacturing, selling or distributing certain products containing the deca BDE. These products include mattresses, mattress pads, upholstered furniture, televisions, and computers. Exempts motor vehicles and parts, and the sale or resale of used products. Requires manufacturers of products containing decaBDE to notify retailers of prohibitions. Requires decaBDE be replaced with safer alternatives.

WA		RCWA 70.76.005 to .110	Prohibits a person from manufacturing, selling or distributing noncombustible products containing pentaBDE and octaBDE. Makes certain exemptions. Prohibits a person from manufacturing, selling or distributing mattresses containing the deca BDE. This prohibition extends to upholstered furniture, televisions, and computers if the state, in consultation with a fire safety committee, finds that a safer and technically feasible alternative to decaBDE is available. Requires manufacturers of products containing PBDEs to notify retailers of the prohibitions.
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Other State Statutes Addressing PBDEs			
ST		Citation	Summary
IL		415 ILCS 150/30	Requires certain electronic manufacturers to submit registration to the state that discloses whether any covered electronic device exceeds the maximum concentration values established for lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls (PBBs), and polybrominated diphenyl ethers (PBDEEs) under the European Union standards.
IN		IC 13-20.5-1-1	Requires video display device manufacturers to submit registration to the state that discloses whether any covered video display device exceeds the maximum concentration values established for lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls (PBBs), and polybrominated diphenyl ethers (PBDEEs) under the European Union standards.
MN		M.S.A. § 115A.1312	Requires video display device manufacturers to submit registration to the state that discloses whether any covered video display device exceeds the maximum concentration values established for lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls (PBBs), and polybrominated diphenyl ethers (PBDEEs) under the European Union standards.

		M.S.A. § 325E.387	Requires that the commissioner of administration make available for purchase and use by all state agencies equipment, supplies, and other products that do not contain polybrominated diphenyl ethers.
NY		N.Y. Environmental Consv. Law § 27-2605	Requires certain electronic manufacturers to submit registration to the state that discloses whether any covered electronic device exceeds the maximum concentration values established for lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls (PBBs), and polybrominated diphenyl ethers (PBDEEs) under the European Union standards.
RI		Gen. Laws 1956, § 23-24.10-9	Requires video display device manufacturers to submit registration to the state that discloses whether any covered video display device exceeds the maximum concentration values established for lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls (PBBs), and polybrominated diphenyl ethers (PBDEEs) under the European Union standards.