

STATE OF VERMONT
EXECUTIVE DEPARTMENT
EXECUTIVE ORDER NO. 13-17

[Interagency Committee on Chemical Management]

WHEREAS, Vermont citizens may be exposed to harmful chemicals in drinking water, food supplies, outdoor and indoor air, and in consumer products; and

WHEREAS, the State does not have sufficient information—use, volume, location and toxicity—about chemicals present in the State; and

WHEREAS, sufficient information about chemicals present in the State is critical to the State's ability to effectively respond to emergencies and threats to human health posed by harmful chemicals; ensure the safety of first responders; prioritize limited resources to address those chemicals that pose the greatest risk to Vermonters; assist Vermont businesses with compliance with federal and State laws related to chemical reporting and management requirements; and provide information to citizens about chemical use in the State; and

WHEREAS, Act 154 of 2016 directed the Agency of Natural Resources to convene a working group to provide recommendations to the General Assembly to close regulatory gaps related to chemicals of emerging concern like perfluorooctanoic acid (PFOA), increase the State's ability to prevent citizens from exposure to harmful chemicals, and increase public access to information about chemicals in their community; and

WHEREAS, the Act 154 report to the General Assembly recommended, among other things, the establishment of an interagency committee to improve coordination and collaboration among agencies charged with oversight of chemical regulation; the creation of a central or unified electronic reporting system to assist businesses with compliance and provide state agencies and the public access to information about chemicals; the amendment of existing recordkeeping and reporting requirements to ensure state agencies have complete chemical inventory information; and the amendment of the Toxic Use Reduction and Hazardous Waste Reduction Act to strengthen planning requirements; and

WHEREAS, in order to better protect Vermonters from exposure to unsafe chemicals in drinking water and the environment and assist businesses with compliance with federal and State laws related to chemical reporting and management requirements, there is a need to (1) ensure coordination and collaboration among State agencies charged with oversight of chemical regulation; (2) create a central or unified electronic reporting system for businesses that use, manufacture, distribute, and release chemicals; and (3) ensure existing State laws and regulations provide state agencies with sufficient chemical inventory information.

NOW THEREFORE, BE IT RESOLVED, that I, Philip B. Scott, by virtue of the authority vested in me as Governor, do hereby create the Interagency Committee on Chemical Management (Committee), as follows:

I. Composition

The Committee shall consist of the following members:

- A. the Secretary of the Agency of Natural Resources or designee;
- B. the Secretary of the Agency of Agriculture, Food and Markets or designee;
- C. the Secretary of the Agency of Commerce and Community Development or designee;
- D. the Commissioner of the Department of Health or designee;
- E. the Commissioner of the Department of Labor or designee;
- F. the Commissioner of the Department of Public Safety or designee; and
- G. the Secretary of the Agency of Digital Services or designee.

II. Chair of Committee and Committee Support

The Chair of the Committee shall be the Secretary of the Agency of Natural Resources.

The Committee shall have the administrative, technical, and legal assistance of the Agency of Natural Resources. The Committee shall have technical assistance from the Agency of Agriculture, Food and Markets; the Department of Health; the Department of Public Safety; and the Department of Labor.

III. Committee Charge and Process

The Committee shall make initial recommendations to the Governor to improve and strengthen existing recordkeeping and reporting processes and regulatory requirements. The Committee shall (1) evaluate chemical inventories in the State on an annual basis; (2) identify potential risks to human health and the environment from regulated and unregulated chemicals in the State; and (3) make recommendations to the Governor to address these risks. The Committee shall meet at least monthly until July 1, 2018 and at least semiannually thereafter.

- A. On or before July 1, 2018, the Committee shall make initial recommendations to the Governor, after consultation with a citizen advisory panel, as to how the State should establish a centralized or unified electronic reporting system, amend existing recordkeeping and reporting requirements to ensure sufficient chemical inventory reporting, and strengthen the Toxic Use Reduction and Hazardous Waste Reduction Act. The Committee shall:
- (1) Convene a citizen advisory panel to provide input and expertise to the Committee. The citizen advisory panel shall consist of persons available to the Committee on an as-needed basis to provide the following expertise:
 - One individual with expertise in toxicology;
 - One individual with expertise in environmental health;
 - One individual with expertise in maternal and child health;
 - One individual with expertise in industrial hygiene or occupational health;
 - One individual with expertise in human health and environmental risk assessment;
 - One individual with expertise in manufacturing products, located in Vermont and subject to Vermont recordkeeping and reporting requirements;
 - One individual with expertise in retail sales, located in Vermont;
 - One individual associated with a small business, located in Vermont and subject to Vermont recordkeeping and reporting requirements;
 - One individual associated with an academic institution with expertise in chemical management or chemical policy;
 - One individual with expertise in environmental law;
 - One individual with expertise in public policy, with a focus on chemical policy; and
 - One individual with expertise in development and administration of information reporting technology or databases.
 - (2) Recommend how the State should establish a centralized or unified electronic reporting system to facilitate compliance by businesses and other entities with chemical reporting and other associated regulatory requirements in the State. The recommendation shall:
 - a. identify a State agency or department to establish and administer the reporting system;
 - b. estimate the staff and funding necessary to establish and administer the reporting system;

- c. propose how businesses and the public can access information submitted to or maintained as part of the reporting system(s), including whether public access to certain information or categories of information should be limited due to applicable statutory requirements, regulatory requirements, trade secret protection, or other considerations;
 - d. propose how information maintained as part of the reporting system can be accessed, including whether the information should be searchable by: chemical name; common name; brand name; product model; Global Product Classification (GPC) product brick description; standard industrial classification; chemical facility; geographic area; zip code; address; other criteria; or a combination thereof;
 - e. propose a method for displaying information or filtering or refining search results so that information maintained on the reporting system can be easily accessed; and
 - f. estimate a time line for establishment of the reporting system.
- (3) Recommend any necessary statutory amendments or regulatory changes to existing State recordkeeping and reporting requirements for chemicals, hazardous materials, and hazardous wastes that are required to facilitate assessment of risks to human health and the environment posed by chemical use in the State. The recommendations shall consider:
- a. the thresholds or amounts of chemicals used, manufactured, or distributed, and hazardous materials and hazardous wastes generated or managed, in the State that require recordkeeping and reporting;
 - b. the persons or entities using, manufacturing, or distributing chemicals and generating or managing hazardous materials and hazardous wastes that are subject to recordkeeping and reporting requirements; and
 - c. any changes required to streamline and modernize existing recordkeeping and reporting requirements to facilitate compliance by business and other entities.
- (4) Recommend any necessary statutory amendments or regulatory changes to the Toxic Use Reduction and Hazardous Waste Reduction Act under 10 V.S.A. Chapter 159, Subchapter 2. The recommendations shall consider:
- a. a list of chemicals or materials subject to the reporting and planning requirements;
 - b. the thresholds or amounts of chemicals used or hazardous waste generated by a person that require reporting and planning;

- c. the persons or entities using chemicals or generating hazardous waste that are subject to reporting and planning;
- d. proposed revisions to the toxic chemical or hazardous waste reduction planning requirements, including conditions or criteria that qualify a person to complete a plan;
- e. any changes to streamline and modernize the program to improve its effectiveness;
- f. estimate the staff and funding necessary to implement and administer any recommended statutory changes or regulatory changes; and
- g. other state programs to reduce the use of toxic and hazardous waste, including the staff and funding required to implement the programs.

(5) Draft any necessary legislation to implement the Committee's recommendations under sections (2), (3), and (4) above.

B. The Committee shall issue a report and make recommendations to the Governor as to any necessary legislative or regulatory actions to reduce risks to Vermonters from unsafe chemicals on December 15, 2018 and biennially thereafter. The report shall include:

- (1) a summary of chemical use in the State based on reported chemical inventories;
- (2) a summary of identified risks to human health and the environment from reported chemical inventories;
- (3) a summary of any change under federal statute or rule affecting the regulation of chemicals in the State; and
- (4) recommended legislative or regulatory action to reduce risks to human health and the environment from regulated and unregulated chemicals of emerging concern.

IV. Authority of Agencies

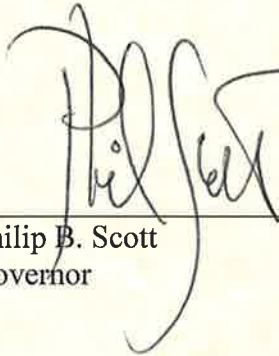
This Executive Order shall not limit the independent authority of a State agency to promulgate regulations related to the reporting, use, distribution, manufacture, or release of chemicals or take other actions under existing State or applicable federal law.

V. Effective Date

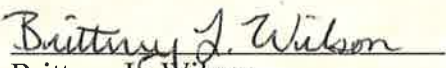
This Executive Order shall take effect upon signing.



WITNESS my name hereunto subscribed and the Great Seal of the State of Vermont hereunto affixed at Montpelier this 7th day of August, 2017.


Philip B. Scott
Governor

By the Governor:


Brittney L. Wilson
Secretary of Civil and Military Affairs

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