

By Mr. Scaccia of Boston, petition of Angelo M. Scaccia for legislation to limit the sale of art supplies containing toxic chemicals to elementary schools. Health Care.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Eight.

AN ACT LIMITING THE SALE OF ART SUPPLIES CONTAINING TOXIC CHEMICALS TO ELEMENTARY SCHOOLS.

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

1 Chapter III of the General Laws is hereby amended by inserting
2 after section 5K the following new section: —

3 Section 5L. (1) For the purposes of this section, the following
4 terms shall have the following meanings: —

5 (A) The term “art or craft material” means any raw or
6 processed material or manufactured product marketed or being
7 represented by the manufacturer or repackager as being suitable
8 for use in the demonstration or the creation of any work of visual
9 or graphic art of any medium. These media may include, but shall
10 not be limited to, paintings, drawings, prints, sculpture, ceramics,
11 enamels, jewelry, stained glass, plastic sculpture, photographs,
12 and leather and textile goods.

13 (B) The term “human carcinogen” means any substance listed
14 as a human carcinogen by the International Agency for Research
15 on Cancer.

16 (C) The term “potential human carcinogen” means any
17 substance which does not meet the definition of human
18 carcinogen, but for which there exists sufficient evidence of
19 carcinogenicity in animals, as determined by the International
20 Agency for Research on Cancer.

21 (D) The term “toxic substance causing chronic illness” means
22 any of the following:

23 (i) Human carcinogens.

24 (ii) Potential human carcinogens.

25 (iii) Any substance included in the Massachusetts Substance
26 List pursuant to Section 4 of Chapter 111F.

27 (E) The term "department" shall mean the Massachusetts
28 department of public health.

29 (2) Except as provided in paragraph 3 below, for the 1987-88
30 academic year and for each academic year thereafter, no art or
31 craft material which is deemed by the department to contain a
32 toxic substance causing chronic illness, as defined in this act, shall
33 be ordered or purchased by any school or school district in the
34 commonwealth for use by students in kindergarten and grades one
35 to six, inclusive.

36 (3) (A) If the department finds that, because the toxic
37 substance causing chronic illness contained in an art or craft
38 material will not be ingested, inhaled or otherwise absorbed into
39 the body during any reasonably foreseeable use of the product
40 in such a manner as to pose a risk of adverse health effects, the
41 department may exempt the product from the requirements of this
42 act.

43 (B) If the department finds that the toxic substance causing
44 chronic illness is present in the art or craft material in such small
45 quantities that it could not reasonably be expected to pose a risk
46 of adverse health effects through any reasonably foreseeable use
47 of the product, the department may exempt the product from the
48 requirements of this act.

49 (4) (A) The department shall, within one year from the
50 effective date of this act, develop a list or art or craft materials
51 which may be purchased or ordered for use in kindergarten and
52 in grades one to six, inclusive. The department may, as a condition
53 of placement on such list, demand from any manufacturer the
54 submission of such lists of ingredients and the results of such tests,
55 studies, findings and analyses as the department deems
56 appropriate.

57 (B) The department may, if it deems appropriate, consider the
58 findings and conclusions of a voluntary art and craft material
59 certifying organization as to the appropriateness of placement of
60 any product on the department's approved art and craft materials
61 list if:

62 (i) such voluntary certifying organization bases its findings and
63 conclusions on the findings of a certified toxicologist who is not
64 employed or in any way affiliated with a manufacturer of art or
65 craft material; and

66 (ii) such voluntary certifying organization discloses to the
67 department the standards and procedures used by its certifying
68 toxicologist for determining whether art and craft materials
69 contain toxic substances causing chronic illness and, if so, whether
70 such substances can reasonably be expected to pose or not to pose
71 a risk of adverse health effects.

72 (C) The department shall adopt such rules and regulations as
73 are necessary for the proper application, administration and
74 enforcement of this act, including, but not limited to, determining
75 such charges as shall be assessed by the department against any
76 manufacturer seeking to submit its products for listing on the
77 department's list of approved art and craft materials.

The following information is being furnished to you for your information and guidance. It is based on the information available to the Department of State as of the date of this report.

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