§ 37-0907. Reporting on the use of chemicals.

1. Reporting of chemical use. No later than twelve months after a chemical of concern or high-priority chemical appears on the lists promulgated pursuant to section 37-0905 of this title, every manufacturer who offers a children's product for sale or distribution in this state that contains a chemical of concern or a high-priority chemical shall report such chemical use at or above practical quantification limits to the department, provided however, that the department may, through regulation, establish an alternative threshold for the reporting of trace contaminants.

(a) This report must at a minimum identify the children's product, the high-priority chemical or chemicals of concern contained in the children's product and the intended purpose of such chemicals. The department may also require reporting of the following information:

(i) the amount of such chemical in the children's product; or

(ii) information on the likelihood that the chemical will be released from the children's product to the environment during the product's life cycle and the extent to which users of the product are likely to be exposed to the chemical.

(b) The department is authorized to direct submission of such report to the interstate chemicals clearinghouse and may otherwise provide for reciprocal data sharing with other states which require reporting of the same information.

2. Waiver of reporting. Upon application by a manufacturer, the commissioner may waive all or part of the reporting requirements under subdivision one of this section for one or more specified uses of a high-priority chemical. In making such determination, the commissioner may consider: (a) if substantially equivalent information is already publicly available or that the information is not needed for the purposes of this chapter, (b) similar waivers granted by other states, and (c) whether the specified use or uses are minor in volume.

3. Fees. The manufacturer shall pay a fee upon submission of a report of chemical use pursuant to subdivision one of this section or a waiver request pursuant to subdivision two of this section to cover the

department's reasonable costs in the administration and enforcement of this title. Exclusive of fines and penalties, the state shall only recover its actual cost of administration and enforcement.