



Chemical Disclosure Guidance for Manufacturers

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1. Introduction

This guidance defines and explains key terms and concepts about the statute [18 V.S.A. Chapter 38A](#) and the [Chemicals of High Concern to Children \(CHCC\) Rule](#). References to the statute and rule are bold.

If you need help accessing or understanding this information, contact ChemicalDisclosure@vermont.gov and for more [read the Chemical Disclosure Program web page](#).

(a) What are the Chemicals of High Concern to Children (CHCC)?

[View the list of chemicals](#) in statute. Chemicals may be intentionally added to a children's product to serve a particular function, or they may be present as contaminants.

(b) Who needs to report?

Children's product manufacturers must report the use of CHCCs to the Department when their products are offered for sale in Vermont, including online sales. "Manufacturer" usually means the entity whose name appears on the product. If that entity does not have a physical presence in the United States, the manufacturer is the entity that sells or distributes the product in Vermont. This may include companies that assemble, import, or distribute products for sale in the United States. These reporting requirements apply only to products marketed to, sold to, offered for sale to, or distributed to children in Vermont. Only one entity must submit a report for a specific children's product. **18 V.S.A. § 1772 (7)(A); and 18 V.S.A. § 1772 (12)(A) and (B)**

Examples: These apply to children's products that are not exempt from reporting, are marketed for use by, marketed to, sold, offered for sale, or distributed to children in Vermont and contain one or more CHCC(s):

1. A children's toy is fabricated or assembled (manufactured) in the US by FUNTOY and sold by KidToyInc, under the FUNTOY brand.
 - FUNTOY is considered the manufacturer and is responsible for reporting.
2. A children's toy is fabricated or assembled (manufactured) in the US by FUNTOY and sold by KidToyInc, under the KidToyInc brand.
 - KidToyInc is considered the manufacturer and is responsible for reporting.
3. A children's toy is fabricated or assembled (manufactured) in Europe by EuroFUNTOY, and imported and sold by KidToyInc, under the EuroFUNTOY brand. EuroFUNTOY is located in Europe and does not have a physical presence in the United States.

- KidToyInc is considered the manufacturer and is responsible for reporting.
4. A children's toy is fabricated or assembled (manufactured) in Europe by EuroFUNTOY, and imported and sold by KidToyInc, under the KidToyInc brand. EuroFUNTOY is located in Europe and does not have a physical presence in the United States.
- KidToyInc is considered the manufacturer and is responsible for reporting.
5. KidToyInc fabricates or assembles (manufactures) a product using components from both inside the US and outside the US, and then sells the product. The product is labeled with KidToyInc's name.
- KidToyInc is considered the manufacturer and is responsible for reporting.
6. A children's product is fabricated or assembled (manufactured) by an individual using materials or supplies that were purchased at a local craft store. The individual does not know if the materials and supplies purchased at the craft store were made in the US or outside the US. The final product is sold at a craft fair in Vermont.
- The individual who crafted the product is considered the manufacturer and is responsible for reporting.
7. Children's products are fabricated or assembled (manufactured) in the US by FUNTOY. FUNTOY distributes those products to vending machines where the products are sold without a brand name.
- FUNTOY is considered the manufacturer and is responsible for reporting.
8. Children's products are fabricated or assembled (manufactured) in Europe by EuroFUNTOY and imported by USA Imports. USA Imports distributes those products to vending machines, where the products are sold.
- USA Imports is considered the manufacturer and is responsible for reporting.
9. U.S. Based FUNTOY manufactures a children's product using several components including a material purchased from U.S. based Company B. The finished product bears the brand name of FUNTOY as well as Company B's brand under a licensing agreement with FUNTOY.
- FUNTOY is considered the manufacturer and is responsible for reporting. Entities that do not have knowledge of the final product composition are not intended to be considered the "manufacturer" for purposes of reporting.
10. U.S. Based FUNTOY manufactures a children's product for U.S. based Company A using several components including a material purchased from U.S. based Company B.

The finished product is sold under the private label brand of Company A but Company B's brand name also appears on the product under a licensing agreement with Company A.

- Company A, as the private labeler, is considered the manufacturer and is responsible for reporting. Where private labelers hold themselves out as the manufacturer of the finished product, they are considered the “manufacturer” for purposes of reporting.

11. U.S. Based FUNTOY contracts with a third party outside of the U.S. to manufacture or assemble a children's product using components from US

based component manufacturer CoolWigit and includes images from BIGMovie on the product, and is sold by KidToyInc. The children's product bears the brand names for FUNTOY as well as the names CoolWigit and BIGMovie under licensing agreements.

- FUNTOY is considered the manufacturer and is responsible for reporting. Entities without knowledge of the final product composition are not considered manufacturers for reporting purposes. Even if a component manufacturer's brand or an entity's image appears on the final product, they are not required to report.

12. Children's products are fabricated or assembled (manufactured) by U.S. based Company A. Company A sells those products to Company B who distributes the product in Vermont as a promotional product.

- Company A is considered the manufacturer and is responsible for reporting.

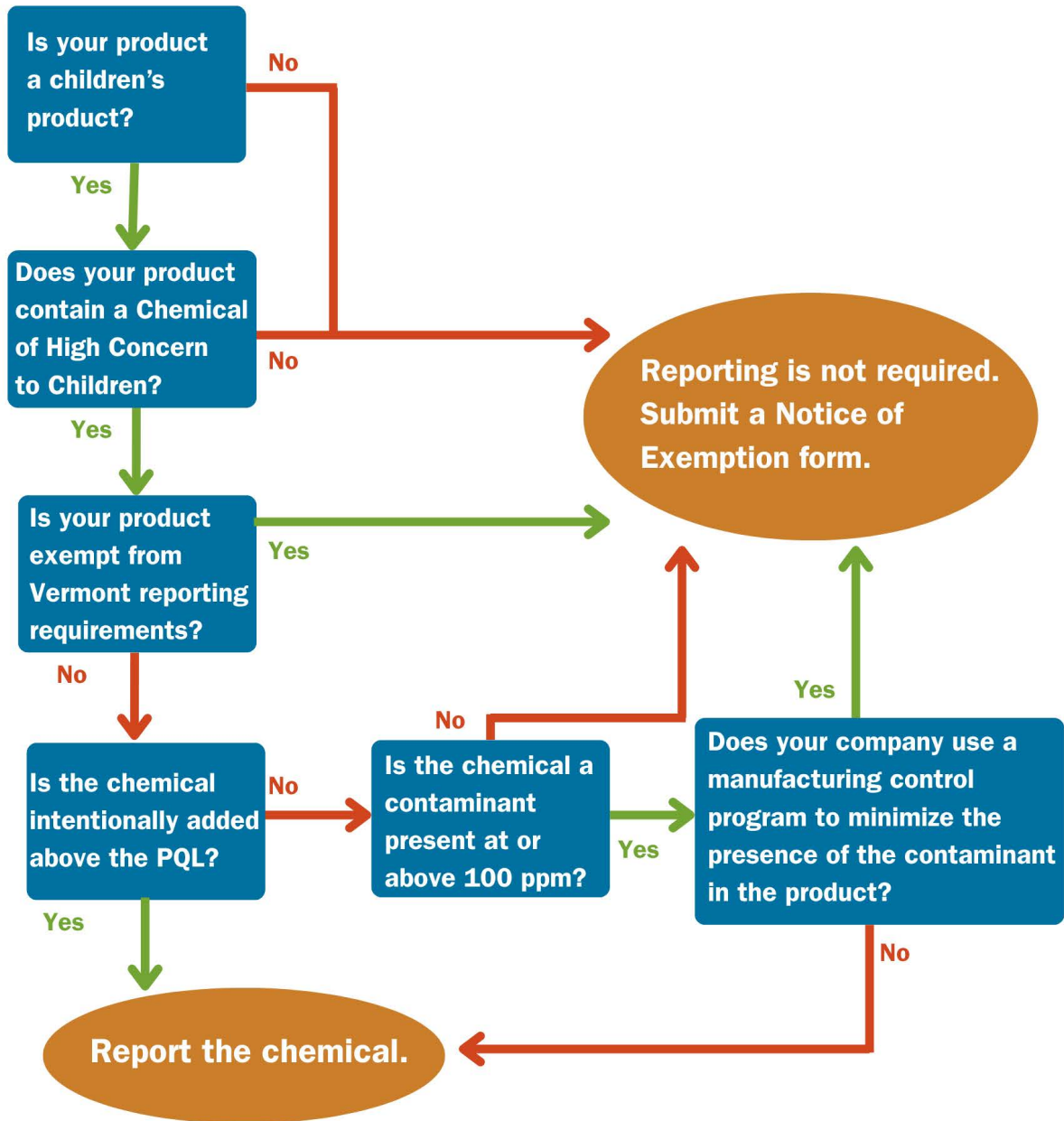
13. Children's products are fabricated or assembled (manufactured) in Europe by Company A and imported by Company B. Company B sells those products to Company C who distributes the product in Vermont as a promotional product.

- Company B is considered the manufacturer and is responsible for reporting.

2. Reporting

(a) How does a manufacturer know whether to report a product?

- See the reporting chart below, which helps you determine if a chemical in a children's product(s) should be reported:



- Follow these steps shown in the flow chart above to determine if you need to report a chemical:

1. Is your product a [children's product](#)?
 - a. Yes: continue to step 2.
 - b. No: skip to step 8.

2. Does your product contain a [Chemical of High Concern to Children](#)?
 - a. Yes: continue to step 3.
 - b. No: skip to step 8.
3. Is your product exempt from Vermont reporting requirements?
 - a. Yes: skip to step 8.
 - b. No: continue to step 4.
4. Is the chemical intentionally added above the [Practical Quantitation Limit](#)?
 - a. Yes: skip to step 7.
 - b. No: continue to step 5.
5. Is the chemical a contaminant at or above 100 ppm?
 - a. Yes: continue to step 6.
 - b. No: skip to step 8.
6. Does your company use a manufacturing control program to minimize the presence of the contaminant?
 - a. Yes: skip to step 8.
 - b. No: continue to step 7.
 - 7. [Report the chemical](#).
 - 8. Reporting is not required. [Submit a Notice of Exemption form](#).

(b) How does a manufacturer report?

Report using the online reporting system, the [High Priority Chemicals Database \(HPCDS\)](#). Read the reporting instructions on the [HPCDS Reporting Guide](#) and [Chemical Disclosure Program webpage](#).

(c) What types of products should be reported?

For each reporting period, manufacturers must report when their children's product contains at least one CHCC. A children's product means a consumer product marketed for use by, marketed to, sold, offered for sale, or distributed to children in the state of Vermont, either online or from a brick-and-mortar establishment. Specific exemptions are listed in section 4(e). **18 V.S.A. §1772 (7)(A)**

(d) Are reporting requirements different for chemicals that are intentionally added versus chemicals present as contaminants?

Yes, chemical contaminants must be reported when they are present in a component at a concentration of 100 ppm or more, as required by 18 V.S.A. §1775(a)(2). Chemicals intentionally added to a product must be reported when they are present above the practical quantification limit (PQL) for that chemical. [View the PQL fact sheet](#). Do not report a product if the CHCC is only a post-production byproduct and serves no function in the product. Post-production byproducts are not considered intentionally or unintentionally added chemicals.

18 V.S.A. §1772 (9), (11); 18 V.S.A. §1775 (a)(1), (2)

(e) How much does it cost to report?

The fee for reporting is \$200 per chemical for each reporting period. This means that more than one product containing the CHCC can be reported with one fee per reporting period. See section 4(d) for more details. 18 V.S.A. §1775 (j)

(f) What type of information about a product is required to be reported?

1. The name of the chemical and its chemical abstracts service (CAS) registry number.
2. The Global Product Classification (GPC) product brick description.
3. The product component containing the chemical.
 - (a) The product component means the uniquely identifiable material or coating (including ink or dye) that is intended to be included as part of a finished product.
 - (b) This is a dropdown list of components available in the reporting system.

CHCC Rule Section 4.6

4. The amount of the chemical contained in each unit of the product or product component, reported by weight (parts per million). The concentration in parts per million should be the concentration in the product component, not the concentration in the final children's product. 18 V.S.A. §1775(b)(3)
5. The name and address of the manufacturer of the children's product and the name, address, and telephone number of a contact person for the manufacturer.
6. The function of the chemical in the product.
 - (a) This is a dropdown list of functions available in the reporting system.
7. The brand name and product model and UPC if a UPC exists.

(a) The brand name is usually the name on the product. The product model is the description tied to the UPC number. The UPC or Global Trade Number (GTIN) is a 12-digit barcode. The brand name, product model, and UPC should be descriptive enough to identify the product in stores or online. These details are set by the manufacturer or responsible party, such as the supplier or retailer, before the product is placed on the market.

(b) In some cases, a product may not have a brand name or product model. In these situations, a brick or UPC cannot replace them. A brick-level description is not detailed enough for consumers to make purchasing decisions. Provide a description that goes beyond the brick level, even if no brand name is available.

(c) Provide the brand names, product models, and UPCs of products that contain CHCCs. These are linked only to the CHCC and are not connected to function, concentration, component, or brick information in the reporting system.

(d) Brand name, product model, and UPC data must be submitted using the downloadable Excel template. Enter one UPC or product model per row. Follow the Reporter's Guide instructions and the data validation requirements below.

Brand Name and Product Models entered into the template must:

- Contain only letters, numbers, or the following special characters: ,;^"!().+##%~`?&-
- Be between one and 300 characters
- Contain at least one letter or number
- Not contain tabs or leading or trailing space(s)
- Not be "n/a" or "none"
- UPC's must be exactly 12 consecutive digits (ex. 039485736475, not with spacing or dashes such as 0-39485-73647-5)

Be sure to follow the instructions in row 1 of the template.

(e) Examples – (The chemical 1,4 Dioxane is reported in these examples)

1.) The tag on the product says the brand "FUNTOY"

Brand Name – FUNTOY

Product Model – Dump Truck Powered Ride On

UPC -495069485960

2	Chemical	Brand Name	Product Model	UPC
4	1,4-Dioxane	Funtoy	Dump Truck Powered Ride On	495069485960

2.) Brand Name – FUNTOY

Product Model – Plush 5 inch Spotted Pony

UPC – None exists for this product.

2	Chemical	Brand Name	Product Model	UPC
4	1,4-Dioxane	Funtoy	Plush 5 inch Spotted Pony	

3.) Brand Name – FUNTOY

Product Model – 24 pack Fine Tip Markers

UPC - 968473649382

2	Chemical	Brand Name	Product Model	UPC
4	1,4-Dioxane	Funtoy	24 pack Fine Tip Markers	968473649382

4.) Brand Name – FUNTOY

Product Model – Purple Sparkly Plastic Rubber Bouncy Ball 1inch Diameter

Explanation – This product model is an example of a description that would be sufficient for a product with no designated model.

UPC – None exists for this product.

2	Chemical	Brand Name	Product Model	UPC
4	1,4-Dioxane	Funtoy	Purple Sparkly Plastic Rubber Bouncy Ball 1inch Diameter	

(f) If a product is offered in different sizes or variations, the individual variations may need to be reported separately if the concentration of the chemical within the component is significantly different.

(g) If a specific item that contains one of the CHCC is sold, offered for sale, distributed, or marketed to children in multiple toy sets (for example, one screwdriver is sold as part of three different children’s toy construction sets) the disclosure would include the following:

- The chemical used in the screwdriver
- The Excel template with all product model, brand name, and UPCs that use the screwdriver (and any other products that use the CHCC).
- The details about the screwdriver (function of chemical, component, concentration of chemical, brick)

(g) When must manufacturers report?

Reports must be submitted on or before January 31, 2022 for products offered for sale or distribution in Vermont between September 1, 2020 and January 31, 2022. Submissions shall continue annually thereafter. **CHCC Rule 8.0 - 9.1**

A manufacturer may report up to the total number of chemicals currently listed. Products with the same reported chemical may be added throughout the reporting period without an additional fee.

Products must be reported once each year by either 7/31 or the following 1/31 within the same reporting period, according to the schedule below:

Date Product is Introduced ¹	Report by Date ²	Fee period ³	Reporting Period ⁴
2/1/2025-7/31/2025	7/31/2025	2/1/2025-1/31/2026	2025
8/1/2025-1/31/2026	1/31/2026	2/1/2025-1/31/2026	2025
2/1/2026-7/31/2026	7/31/2026	2/1/2026-1/31/2027	2026
8/1/2026-1/31/2027	1/31/2027	2/1/2026-1/31/2027	2026
2/1/2027-7/31/2027	7/31/2027	2/1/2027-1/31/2028	2027
8/1/2027-1/31/2028	1/31/2028	2/1/2027-1/31/2028	2027
2/1/2028-7/31/2028	7/31/2028	2/1/2028-1/31/2029	2028
8/1/2028-1/31/2029	1/31/2029	2/1/2028-1/31/2029	2028
2/1/2029-7/31/2029	7/31/2029	2/1/2029-1/31/2030	2029
8/1/2029-1/31/2030	1/31/2030	2/1/2029-1/31/2030	2029
2/1/2030-7/31/2030	7/31/2030	2/1/2030-1/31/2031	2030
8/1/2030-1/31/2031	1/31/2031	2/1/2030-1/31/2031	2030

1. **Date Product Introduced** - Date that the product is first offered for sale or distribution in Vermont during the reporting period. This date is used to determine which date to report the product by (either before July 31st or January 31st of the respective reporting/fee period).

2. **Report by Date-** Date on, or before, that the reports are due for products offered for sale or distribution to children during the fee period.
3. **Fee Period-** Reporting period start and end date. The first time each chemical is reported between these dates, a \$200 fee is charged per chemical upon report submission. Chemicals must be reported during all fee periods in which the product is offered for sale.
4. **Reporting Period-** The year the fee period begins references the reporting period. The reporting system allows reporting for the current period.

(h) What if a manufacturer reports and starts selling a new product that contains a CHCC the following month?

If the CHCC in the product was already reported during the reporting period, add the new product information to the existing chemical report in the HPCDS ([Reporters' Guide: Reports > Create Report for Vermont Chemical Disclosure Program > Add Information to a Previously Submitted Report](#)). This is allowed only if the report has not been published. If the report has been published, the information must be submitted as a new report. If the product contains a CHCC that has not yet been reported during the reporting period, a new fee will apply. **CHCC Rule 8.0**

(i) How will manufacturers report chemicals that are Trade Secret?

As it is defined in 9 V.S.A. §4601 (3), trade secret means information, including a formula, pattern, compilation, program, device, method, technique, or process that:

- Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and
- Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

It is the burden of the manufacturer to assert that information submitted under §1775 is a trade secret, confidential business information, or is otherwise designated confidential by law. After submitting a disclosure containing trade secret information, manufacturers must substantiate assertions that the specific identity of a chemical is trade secret by answering a questionnaire and emailing it to the Program within **24 hours** of submitting disclosure or the request will be denied. If the trade secret claim is approved by the Program, the generic class or category of the

chemical in the children's product and the potential health effect of the specific chemical will be displayed to the public. [View the questionnaire form](#). 18 V.S.A. §1778

3. Payment

(a) Which payment types are accepted?

The reporting system will accept the following payments*:

- Credit Card
- Debit Card

*Payment may be made by paper check if other payment methods are unavailable. Contact the program for instructions. Reports are not considered submitted until the program processes the check payment.

(b) When is payment collected?

Manufacturers pay at the end of the reporting process. They may enter data for multiple chemicals or products and pay for all reports at once. During the reporting period, manufacturers may return to the system to report additional chemicals and pay for additional reports.

(c) Will manufacturers receive an invoice or receipt of payment?

Manufacturers will not receive an invoice because payment is made online when reports are submitted. After payment is submitted, the payment processor, [Authorize.net](#), will email a receipt to confirm payment was received.

4. Exemptions

(a) Notice of Exemption Form

If you believe your entity qualifies for an exemption listed on the [Notice of Exemption form](#), complete and submit the form to certify your exempt status. You must also provide the Department of Health with documentation of the Chemical Control Program or a Certificate of Compliance if requested to support the exemption.

18 V.S.A. §1775(e), 18 V.S.A. §1775 (g)

(b) Products for sale out of state

18 V.S.A. Ch. 38A applies to products offered for sale in Vermont, including internet sales. Products offered for sale outside of the state of Vermont are not within the scope of this legislation. **18 V.S.A. §1775 (h)**

(e) Product Exemptions

- Batteries
- Snow sporting equipment including skis, poles, boots, snow boards, sleds, and bindings
- Inaccessible components of a consumer product that during reasonably foreseeable use and abuse of the consumer product would not come into direct contact with a child's skin or mouth
- Used consumer products that are sold in second-hand product markets
- A product primarily used or purchased for industrial or business use that does not enter the consumer product market or is not otherwise sold at retail
- A food or beverage or an additive to a food or beverage
- A tobacco product
- A pesticide regulated by the U.S. Environmental Protection Agency
- A drug, or biologic regulated by the U.S. Food and Drug Administration (FDA), or the packaging of a drug, or biologic that is regulated by the FDA, including over the counter drugs, prescription drugs, dietary supplements, medical devices, or products that are both a cosmetic and a drug regulated by the FDA
- Ammunition or components thereof, firearms, air rifles, hunting or fishing equipment or components thereof
- An aircraft, motor vehicle, vessel
- Consumer electronic products, including personal computers, audio and video equipment, calculators, wireless telephones, game consoles, and hand-held devices incorporating a video screen used to access interactive software intended for leisure and entertainment and their associated peripherals
- Interactive software, intended for leisure and entertainment, such as computer games, and their storage media, such as compact discs

- The packaging in which a product is sold, offered for sale, or distributed
- Soap
- Dietary supplements
- Food and drugs approved by the FDA

18 V.S.A. §1772 (7)(B), 18 V.S.A. §1772 (8), 18 V.S.A. §1772 (10), 18 V.S.A. §1775 (k)

5. Other

(a) Data sharing

Currently, Vermont is not in a reciprocal data-sharing agreement. Chemical data disclosed to other states must be disclosed separately to the state of Vermont.
18 V.S.A. §1775(c)

(b) Submitting a Notice of Removal

A manufacturer whose report has been published may notify the Department that the chemical has been removed from the product or that the product is no longer sold, offered for sale, or distributed in Vermont by [completing and submitting the Notice of Removal form](#). Upon verification of the form, the Department will remove the reported information from the website. 18 V.S.A. §1775 (f)

(c) Will petitions be accepted for removal of chemicals from the CHCC list?

Under 3 V.S.A. §805 any person may request that the Commissioner add or remove a chemical from the list of high concern to children. 18 V.S.A. §1773 (d)

(d) How are formaldehyde donor concentrations reported?

Report the expected concentration of formaldehyde in the product while reporting the listed donor that is used. For example, the product contains DMDM hydantoin (CAS 6440-58-0) and the expected concentration of formaldehyde (CAS 50-000-0) is 600ppm, report the chemical as “formaldehyde with DMDM hydantoin” and the concentration as “equal to or greater than 500 but less than 1,000 ppm.” The expected concentration of formaldehyde could be determined by product testing, or by working within the supply chain to understand what concentration of formaldehyde is expected to be released from a specific donor.