
Environment Committee

HB 2266

Brief Description: Concerning children's safe products.

Sponsors: Representatives Dickerson, Hudgins, Lytton, Reykdal, Eddy, Dunshee, Billig, Fitzgibbon, Moscoso, McCoy, Hunt, Pollet, Maxwell, Jinkins, Pedersen, Liias, Hansen, Orwall, Ryu, Kenney, Stanford and Hunter.

Brief Summary of Bill

- Prohibits the manufacture, sale, or distribution of children's products containing TRIS in amounts greater than 50 parts per million.
- Requires manufacturers of children's products that contain TRIS, formaldehyde, antimony, antimony compounds, or Bisphenol-A to conduct an alternatives assessment.
- Authorizes the Department of Ecology to require a manufacturer of children's products to conduct an alternatives assessment of up to two chemicals of high concern per year.

Hearing Date: 1/17/12

Staff: Kara Durbin (786-7133).

Background:

Children's Safe Products Act.

In 2008 the Legislature passed the Children's Safe Products Act (CSPA), which limits certain chemicals in children's products and requires the Department of Ecology (DOE) to identify chemicals of high concern for children using certain criteria. The CSPA also requires manufacturers of children's products containing identified chemicals of high concern to annually report product information to the DOE.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The CSPA requires the Department of Ecology (DOE), in consultation with the Department of Health (DOH), to develop a list of priority chemicals of high concern for children. The DOE identified 66 chemicals of high concern for children by rule that took effect August 21, 2011 [WAC 173-334-130]. These rules also provide notification requirements for manufacturers, and set enforcement actions. The notification requirements are phased-in by manufacturer size and type of children's product. The manufacturer's notice must be filed annually and provide information about chemicals of high concern for children that are intentionally added to the product.

TRIS.

The chemicals TCEP (Tris(2-chloroethyl) phosphate) and TDCPP (tris(1, 3-dichloro-2-propyl) phosphate), known collectively as TRIS, may be added to plastics, foams and textiles as flame retardants in foams, plastics, and fabric backings. TRIS may be found in some children's products such as car seats, baby changing pads, and baby carriers. TRIS has been used as a replacement for certain Polybrominated Diphenyl Ether (PBDE) flame retardants, which have been banned or voluntarily phased out of use.

Summary of Bill:

TRIS.

The manufacture, distribution, and sale of children's products containing TRIS in amounts greater than 50 parts per million is prohibited beginning July 1, 2014. Used products containing TRIS made in casual or isolated sales, or sales of children's products by nonprofit organizations, are exempt.

By January 1, 2014, a manufacturer of a children's product whose product contains TRIS must submit an alternatives assessment to the DOE.

Formaldehyde, Antimony, Antimony Compounds, and Bisphenol-A.

Beginning August 31, 2013, a manufacturer that has provided notice to the DOE that its children's product contains formaldehyde must submit an alternatives assessment to the DOE within one year of submitting notice. Beginning August 31, 2014, a manufacturer that has provided notice to the DOE that its children's product contains antimony, antimony compounds, or Bisphenol-A must submit an alternatives assessment to the DOE within one year of submitting notice.

Other Chemicals.

By July 1, 2017, the DOE may require a manufacturer of children's products containing chemicals of high concern for children to conduct an alternatives assessment for up to two chemicals of high concern for children per year. The DOE must allow the manufacturer at least one year to submit the assessment.

Exemption.

Manufacturers with annual gross sales both within and outside of Washington of less than \$5 million are exempt from the requirement to conduct alternatives assessments concerning TRIS, formaldehyde, antimony, antimony compounds, and Bisphenol-A.

Alternatives Assessment.

Manufacturers required to complete an alternatives assessment must identify potential alternatives for chemicals of high concern for children. The alternatives assessment must address several elements for the identified chemical of high concern and potential alternatives, including:

- (1) an assessment of whether the alternative has the potential to cause issues such as genetic damage, cancer, endocrine disruption, sensitization and immune system response, and other impacts;
- (2) any available data or information regarding the degree of toxicity, including dose response, as well as potential routes of exposure to children;
- (3) information on performance and functionality of the potential alternative; and
- (4) opportunities for product reformulation, chemical substitution, or redesign.

In addition, an alternatives assessment must provide a comparison of the assessment elements for alternatives and the chemical of high concern for children, and it must include a description of the criteria and assumptions used.

Report to the Legislature.

By July 1, 2015, the DOE, in consultation with the DOH, must provide a report to the Legislature summarizing and evaluating the manufacturer's reports on chemicals of high concern for children. This report must include recommendations for legislative action.

Other.

The bill adds definitions for TRIS, alternative, and chemical of high concern for children.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.