

HOUSE BILL REPORT

2SSB 6120

As Reported by House Committee On:
Environment

Title: An act relating to children's safe products.

Brief Description: Concerning children's safe products.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Nelson, Swecker, Harper, Hargrove, Kohl-Welles, Fraser, Kastama, Pridemore, Rolfes, Frockt, Ranker, Regala, Shin, Tom, Kline, Chase, Keiser and Conway).

Brief History:

Committee Activity:

Environment: 2/17/12, 2/21/12 [DP].

Brief Summary of Second Substitute Bill

- Prohibits the manufacture, sale, or distribution of children's products containing TCEP in amounts greater than 100 parts per million in any component.

HOUSE COMMITTEE ON ENVIRONMENT

Majority Report: Do pass. Signed by 17 members: Representatives Upthegrove, Chair; Tharinger, Vice Chair; Short, Ranking Minority Member; Harris, Assistant Ranking Minority Member; Crouse, Fitzgibbon, Hansen, Jinkins, Morris, Moscoso, Nealey, Pearson, Pollet, Shea, Takko, Taylor and Wylie.

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

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manufacturers of children's products containing identified chemicals of high concern to annually report product information to the DOE.

The CSPA requires the 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:

The manufacture, distribution, and sale of children's products containing TCEP is prohibited beginning July 1, 2014, if the TCEP is intentionally added in amounts greater than 100 parts per million in any component. The prohibition does not apply to recycled materials containing less than .01 percent of TCEP or to previously owned products sold in casual or isolated sales or by nonprofit organizations.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) This work began in 2009 to protect children and small babies from chemicals. Chemicals like chlorinated TRIS and others can affect our children and their health. This bill is aimed so that babies and children can have a healthier life.

(In support with amendment) These TRIS chemicals are not needed to meet fire safety standards. Some companies have already stopped using these chemicals. All of the

chemicals identified in the original bill harm children's health. We would prefer that the ban also address TDCPP that was in a previous version of the bill. Major concerns have been raised about the toxicity of TDCPP. California has designated this chemical as a carcinogen. Alternative assessments should also be a part of this bill. Only the safest products should be on the market. Alternatives assessments are needed so that TRIS is not just replaced with another equally harmful substance. Parents should not need to be scientists to determine what products are safe for our kids. The original provisions in the bill should be restored: the alternatives assessments and the ban of the other chemical, TDCPP.

(Neutral) A ban on TCEP might be premature at this time. The current rules should be implemented before creating a statewide ban on a chemical of high concern. While there might be certain instances in which a ban is appropriate, bans need to be considered carefully. Other states are exploring a ban on TDCPP, but no other states have such a ban in place.

(Opposed) None.

Persons Testifying: (In support) Senator Nelson, prime sponsor.

(In support with amendment) Dylan Doty, Washington Fire Chiefs; Craig Soucy, Washington State Coalition of Fire Fighters; Erika Schrader and Nick Federici, Washington Toxics Coalition; Erin Naumawicz, Lullaby Organics; Karen Bowman, Washington State Nurses Association; and Elizabeth Davis, League of Women Voters.

(Neutral) Courtney Barnes, Association of Washington Business.

Persons Signed In To Testify But Not Testifying: None.