

# SENATE BILL REPORT

## EHB 2821

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As of April 6, 2012

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

**Brief Description:** Concerning children's safe products.

**Sponsors:** Representatives Dickerson, Hudgins, Upthegrove, Maxwell, Kagi, Dunshee, Fitzgibbon, Jinkins, Hunter, Liias, Appleton, Tharinger, Pedersen and Hansen.

**Brief History:** Passed House: 4/06/12, 60-34.

**Committee Activity:** Environment: 4/07/12.

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### SENATE COMMITTEE ON ENVIRONMENT

**Staff:** Jan Odano (786-7486)

**Background:** In 2008 the Legislature passed E2SHB 2647, The Children's Safe Products Act (CSPA). In part, CSPA requires the Department of Ecology (DOE) to identify chemicals of high concern for children using certain criteria. CSPA also requires manufacturers of children's products containing identified chemicals of high concern to annually report product information to DOE. DOE is authorized to adopt rules to implement, administer, and enforce the act. California, Maine, and Minnesota also have passed legislation regarding chemicals of concern in children's products.

DOE finalized and adopted rules in July 2011. The rules establish a list of chemicals of high concern for children, provide notification requirements for manufacturers, and set enforcement actions. The reporting requirements are phased-in by manufacturer size and type of children's product. The largest manufacturers must begin reporting by August 2012 on children's products intended for feeding or sucking, as well as lotions, shampoos, and creams. 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.

The chemicals TCEP (Tris (2-chloroethyl) phosphate) and TDCPP (Tris (1,3-chloro-2-propyl) phosphate), known collectively as TRIS, are added to plastics, foams, and textiles as flame retardants. TRIS is found in children's products such as car seats, baby changing pads, and baby carriers. TRIS is used as a replacement for certain PBDE (Polybrominated Diphenyl Ether) flame retardants that have been banned or voluntarily phased out of use. Beginning December 1, 2013, the state of New York will prohibit the sale of products

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containing TRIS intended for use by children under the age of three, such as baby products, toys, car seats, nursing pillows, crib mattresses and strollers.

**Summary of Bill:** Beginning June 30, 2014, the manufacture, distribution, and sale of children's products containing TRIS in amounts greater than 100 parts per million is prohibited. The prohibition does not apply to recycled materials containing less than 0.01 percent of TRIS or to previously owned products sold in casual or isolated sales or by nonprofit organizations.

TRIS is defined as Tris (2-chloroethyl) phosphate (TCEP) and Tris (1,3-chloro-2-propyl) phosphate (TCDEP).

**Appropriation:** None.

**Fiscal Note:** Available on original bill.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.