

SENATE BILL REPORT

SB 6120

As of February 6, 2012

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

Brief Description: Concerning children's safe products.

Sponsors: 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: 1/17/12.

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 TDCP (Tris(1-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 containing TRIS

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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: 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.

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

- an assessment of whether the alternative has the potential to cause fetal or child developmental impacts, cause cancer or genetic damage, damage the nervous or immune system;
- information on the degree of toxicity, potential routes of exposure, performance and functionality; and
- opportunities for reformulation 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.

Beginning August 31, 2013, a manufacturer which has provided notice that its children's product contains formaldehyde must submit an alternatives assessment within one year of submitting notice to DOE. By January 1, 2014, manufacturers of children's products containing TRIS must submit an alternatives assessment to DOE. Beginning August 31, 2014, a manufacturer which has provided notice that its children's product contains antimony or antimony compounds or Bisphenol-A must submit an alternatives assessment within one year of submitting notice to DOE. Manufacturers with annual gross sales of less than \$5 million based on their most recent tax filings are exempt from completing alternatives assessments for TRIS, formaldehyde, and antimony.

DOE is required to provide technical assistance to any requesting manufacturers required to conduct an alternatives assessment.

By July 1, 2015, DOE, in consultation with the Department of Health, must provide a report to the Legislature summarizing and evaluating manufacturers reports and alternatives assessments. The report must include a summary of manufacturers' information on the use of chemicals of high concern for children, evidence of children's exposure to such chemicals and results from the alternatives assessments. The report must also include any safer alternatives to chemicals of high concern for children as well as recommendations for legislative action to protect children's health and to improve the alternatives assessment process.

Beginning July 1, 2017, DOE may require manufacturers of children's products containing chemicals of high concern for children to submit alternatives assessments for no more than two chemicals of high concern for children per year. DOE must allow the manufacturer at least one year to submit an alternatives assessment.

Appropriation: None.

Fiscal Note: Requested on January 13, 2012.

Committee/Commission/Task Force Created: No.

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