

SENATE BILL REPORT

SB 6540

As of February 4, 2014

Title: An act relating to banning tris(1,3-dichloro-2-propyl)phosphate and tris(2-chloroethyl)phosphate flame retardants in children's products and residential upholstered furniture.

Brief Description: Banning tris(1,3-dichloro-2-propyl)phosphate and tris(2-chloroethyl)phosphate flame retardants in children's products and residential upholstered furniture.

Sponsors: Senator Ericksen.

Brief History:

Committee Activity: Energy, Environment & Telecommunications: 2/05/14.

SENATE COMMITTEE ON ENERGY, ENVIRONMENT & TELECOMMUNICATIONS

Staff: Jan Odano (786-7486)

Background: Flame-retardant chemicals are added to many consumer products to delay combustion and to meet fire safety standards. The flame retardants polybrominated diphenyl ether (PBDE) were added to a wide variety of household products; however, because of concerns for human health and the environment, the Legislature banned the use of certain PBDEs for use in residential upholstered furniture. The chemicals tris(1,3-dichloro-2-propyl)phosphate (TDCPP) and tris(2-chloroethyl)phosphate, (TCEP), known collectively as TRIS, are used as a replacement for certain PBDE flame retardants that were banned or voluntarily phased out of use.

TRIS is added to plastics, foams, and textiles. It is found in children's products such as car seats, baby changing pads, and baby carriers. Concerns have been raised about TRIS because of its widespread use, human exposure, and potential health risks. The use of TCEP in children's products is prohibited in New York and Maryland. Other states have proposed bans of TCEP and TDCPP in children's products and residential upholstered furniture.

The Children's Safe Products Act (CSPA), in part, requires manufacturers of children's products containing chemicals of high concern for children (CHCC) to annually report product information to the Department of Ecology (Ecology). There are 66 CHCCs on the list. In October 2013, Ecology adopted amendments to the CSPA reporting rule in response to a petition to include TDCPP to the list of CHCCs. The revised rule phases in reporting requirements for TDCPP with the first reports due in February 2015.

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.

Summary of Bill: Beginning July 1, 2015, the manufacture, sale, and distribution of residential upholstered furniture and children's products of which any component contains more than 100 parts per million of TDCPP or TCEP are prohibited.

Nonprofit organizations and private parties making sales or purchases of used products are exempt from the prohibitions on chemicals restricted under CSPA.

Appropriation: None.

Fiscal Note: Requested on February 3, 2014.

Committee/Commission/Task Force Created: No.

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