

SENATE BILL REPORT

SB 5684

As of March 13, 2015

Title: An act relating to flame retardants.

Brief Description: Concerning flame retardants.

Sponsors: Senators Nelson, Hargrove, McCoy, Miloscia, Rolfes, Ranker, Fraser, Mullet, Habib, Billig, Frockt, Darneille, Lias, Hasegawa, Keiser, Cleveland, Conway, Jayapal and McAuliffe.

Brief History:

Committee Activity: Energy, Environment & Telecommunications: 2/17/15.

SENATE COMMITTEE ON ENERGY, ENVIRONMENT & TELECOMMUNICATIONS

Staff: Jan Odano (786-7486)

Background: The Children's Safe Products Act (CSPA) provides restrictions on the use of certain chemicals in children's products; requires manufacturers of children's products containing chemicals of high concern for children (CHCC) to annually report product information; and provides enforcement authority. The Department of Ecology (Ecology), in consultation with the Department of Health, must identify CHCCs. The CSPA rules establish the list of reportable chemicals and procedures for manufactures to notify Ecology.

The chemicals TCEP and TDCPP, known collectively as TRIS, hexabromocyclododecane (HBCD), and decabromodiphenyl ether (DecaBDE) 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 has been used as a replacement for certain PBDE flame retardants that have been banned or voluntarily phased out of use. Concerns have been raised about these flame retardants because of their widespread use, human exposure, and potential health risks. The flame retardants TDCPP, TCEP, HBCD, and DecaBDE are included on the CHCC list.

In the 2014 Supplemental Operating Budget, the Legislature directed Ecology to test for the presence of flame retardants in children's products and furniture and to analyze TBBPA and antimony compounds used as flame retardants. In January 2015, Ecology submitted a report to the Legislature that recommended the restriction of ten flame retardants in children's products and furniture, including TCEP, TDCPP, HBCD, and certain forms of TBBPA.

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.

Ecology's report did not find evidence to recommend restrictions on the forms of antimony that are used as a synergist to support flame retardant functions. Ecology's report made additional recommendations, which included further reporting on the use of halogenated flame retardants in consumer products other than furniture and children's products, the establishment of incentives for the use of safer alternatives in consumer products, and performing additional work to identify data gaps on flame retardant chemicals.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (Proposed Substitute): The manufacture, distribution, and sale of residential upholstered furniture or children's products containing TCEP, TDCPP, or any flame retardant identified as a high priority chemical of high concern for children in amounts greater than 100 parts per million is prohibited beginning July 1, 2016. Antimony and antimony compounds are not flame retardants and therefore exempt from these restrictions. The sale and purchase of used products are also exempt.

Ecology must grant an exemption, for up to two years, to the restrictions on flame retardants that are identified as CHCCs when a manufacturer requests an exemption and demonstrates that there are no technically feasible safer alternatives to meet Washington State or federal fire safety standards.

Beginning on July 1, 2016, manufacturers may be required to provide a certificate of compliance that states their products meet the restrictions for flame retardants. The certificate must be kept on file as long as the product is being made and for three years from the date of the last sale or distribution. Ecology must give manufacturers 60 days to submit the certificate.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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