
General Government Appropriations & Oversight Committee

HB 2821

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 Summary of Bill

- Prohibits the manufacture, sale, or distribution of children's products containing TRIS in amounts greater than 100 parts per million in any component beginning July 1, 2013.
- Allows children's products containing TRIS to be sold until July 1, 2014, if the manufacturer of such products conducts an alternatives assessment by July 1, 2013.

Hearing Date: 4/4/12

Staff: Kara Durbin (786-7133) and Michael Bennion (786-7118)

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 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

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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. In some cases, 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, or sale of children's products containing TRIS is prohibited beginning July 1, 2013, if the children's product contains TRIS 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 TRIS or to previously owned products sold in casual or isolated sales or by nonprofit organizations.

Children's products containing TRIS may be sold until July 1, 2014, if the manufacturer of such products conducts an alternative assessment by July 1, 2013 and submits it to the Department of Ecology (DOE). If a manufacturer conducts an alternatives assessment, it must use one of three methods: (1) the U.S. Environmental Protection Agency's design for the environment program alternatives assessment criteria for hazard evaluation; (2) the alternatives assessment framework of the Lowell Center for Sustainable Production; or (3) an alternatives assessment for the chemical of high concern and each potential alternative that addresses several elements related to toxicity, routes of exposure, and performance and functionality of potential alternatives. The DOE must provide technical assistance, upon request, to any manufacturer conducting an alternatives assessment.

Appropriation: None.

Fiscal Note: Requested on April 2, 2012.

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