

2SHB 2647 - H AMD 1172

By Representative Haler

WITHDRAWN 02/18/2008

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds and declares that:

4 (1) Phthalates are a class of chemicals used in polyvinyl chloride  
5 (PVC) plastic to improve flexibility. Phthalates are used in many  
6 products intended for use by young children including, but not limited  
7 to, teethers, toys, and soft plastic books; and

8 (2) There is extensive scientific literature reporting the  
9 hormone-disrupting effects of phthalates and substantial evidence that  
10 levels of the phthalates of concern are found in humans at levels  
11 associated with adverse effects.

12 NEW SECTION. **Sec. 2.** The definitions in this section apply  
13 throughout this chapter unless the context clearly requires otherwise.

14 (1) "Child care article" includes all products designed or intended  
15 by the manufacturer to facilitate sleep, relaxation, or the feeding of  
16 children, including but not limited to pacifiers and teethers.

17 (2) "Department" means the department of ecology.

18 (3) "Toy" includes all products designed or intended by the  
19 manufacturer to be used by children when they play, including but not  
20 limited to soft plastic childrens' books.

21 NEW SECTION. **Sec. 3.** (1) Beginning January 1, 2010, no person or  
22 entity shall manufacture, sell, or distribute in commerce any toy or  
23 child care article that contains di-(2-ethylhexyl) phthalate (DEHP),  
24 dibutyl phthalate (DBP), or benzyl butyl phthalate (BBP), in  
25 concentrations exceeding one-tenth of one percent.

26 (2) Beginning January 1, 2010, no person or entity shall  
27 manufacture, sell, or distribute in commerce any toy or child care  
28 article intended for use by a child under three years of age if that

1 product is likely to be placed in the child's mouth and contains  
2 diisononyl phthalate (DINP), diisodecyl phthalate (DIDP), or di-n-octyl  
3 phthalate (DnOP), in concentrations exceeding one-tenth of one percent.

4 NEW SECTION. **Sec. 4.** (1) Toy and child care article manufacturers  
5 that seek to comply with this chapter shall use an alternative that is  
6 less toxic than phthalates. In selecting from potential alternatives,  
7 preference must be given to those alternatives that are the least  
8 toxic.

9 (2) Toy and child care article manufacturers that seek to comply  
10 with this chapter may not replace phthalates with:

11 (a) Carcinogens that are rated by the United States environmental  
12 protection agency as A, B, or C carcinogens as it exists on the  
13 effective date of this section;

14 (b) Substances listed as known or likely carcinogens, known to be  
15 human carcinogens, likely to be human carcinogens, or suggestive of  
16 being human carcinogens, as described in the United States  
17 environmental protection agency's "Office of Pesticide Programs List of  
18 Chemicals Evaluated for Carcinogenic Potential" as it exists on the  
19 effective date of this section;

20 (c) Substances listed as being known to cause cancer in the  
21 California safe drinking water act as it exists on the effective date  
22 of this section; or

23 (d) Reproductive toxicants that cause birth defects, reproductive  
24 harm, or developmental harm as identified by the United States  
25 environmental protection agency as of the effective date of this  
26 section or listed in the California safe drinking water act as it  
27 exists on the effective date of this section.

28 NEW SECTION. **Sec. 5.** The department may adopt rules as necessary  
29 for the purposes of implementing, administering, and enforcing this  
30 chapter.

31 NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act constitute  
32 a new chapter in Title 70 RCW."

33 Correct the title.

EFFECT: Strikes the provisions of the underlying bill.

Requires that beginning January 1, 2010, no person or entity shall manufacture, sell, or distribute in commerce any toy or child care article that contains di-(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), or benzyl butyl phthalate (BBP), in concentrations exceeding .1%.

Requires that beginning January 1, 2010, no person or entity shall manufacture, sell, or distribute in commerce any toy or child care article intended for use by a child under three years of age if that product is likely to be placed in the child's mouth and contains diisononyl phthalate (DINP), diisodecyl phthalate (DIDP), or di-n-octyl phthalate (DnOP), in concentrations exceeding .1%.

Requires manufacturers to use less toxic alternatives in replacing banned phthalates. Phthalates cannot be replaced with chemicals that are: (1) Class A, B, or C carcinogens; (2) substances that are known or likely carcinogens as listed on "Office of Pesticide Programs List of Chemicals Evaluated for Carcinogenic Potential"; (3) substances known to cause cancer as listed in the California Safe Drinking Water Act; or (4) reproductive toxicants that cause birth defects, reproductive harm, or developmental harm as identified by the United States Environmental Protection Agency or in the California Safe Drinking Water Act.

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