

SAFEGUARDS

CONSUMER GOODS AND RETAIL

TOYS & JUVENILE PRODUCTS, HARDGOODS, SOFTLINES

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US LEGISLATIVE UPDATES FLAME RETARDANTS IN CONSUMER PRODUCTS

Since the beginning of 2014, a number of bills have been introduced to regulate flame retardants in children's products, upholstered furniture and other consumer products in some states in the US. Some of these bills proposed to expand a set of already restricted substances to include flame retardants. The proposed effective dates ranged from the middle of 2014 to 2016.

In April 1992, California added tris(2-chloroethyl) phosphate (TCEP) onto the Proposition 65 (Prop 65) list of chemicals as a chemical known to the state to cause cancer. California has since incorporated, among other flame retardants, tris(1,3-dichloro-2-propyl) phosphate (TDCPP) onto the Prop 65 list of chemicals¹. The listing of TDCPP since October 2011 has resulted in a number of consent agreements; notably in polyurethane (PU) foam materials in a wide range of consumer products². These two flame retardants are also regulated by Maryland³, New York⁴ and Vermont⁵.

Since the beginning of 2014, a number of bills have been introduced at the state level to regulate the use of certain flame retardants in consumer products, particularly children's products and residential upholstered furniture. These include Alaska, New York and Washington. The bill in Alaska, in addition to flame retardants, also proposes to regulate a list of yet-to-be-defined chemicals known as Chemicals



of High Concern (CHCs). In Washington, three bills have been introduced and all are in relation to regulating TCEP and TDCPP in children's products and residential upholstered furniture. Highlights of these bills are summarised in Table 1.

¹ [Proposition 65](#)

² [SGS-Safeguard 25/14 and references therein](#)

³ [SGS-Safeguard 77/13](#)

⁴ [SGS-Safeguard 157/11](#)

⁵ [SGS-Safeguard 118/13](#)

TABLE 1

JURISDICTION	BILL	SUBSTANCE	SCOPE	REQUIREMENT	PROPOSED EFFECTIVE DATE
Alaska	SB 151 ⁶	TCEP TCPP TDCPP	Consumer Product	Prohibited	1 January 2016
		Chemicals of High Concern (CHCs)	Products for children under 3 years of age	To publish list of CHCs	
New York	A6557 ⁷	Halogenated flame retardants including TDCPP and phosphorus-bromine flame retardants	Residential Upholstered Furniture	Prohibited	1 July 2014
Washington	SB 5984 ⁸	TCEP* TDCPP*	- Children's products - Residential upholstered furniture	≤ 100 ppm each substance	1 July 2015
	SB 6048 ⁹				
	Substituted SB 6540 ¹⁰				

*Currently on the Chemicals of High Concern to Children (CHCC) list

DEFINITIONS

- TCEP is tris(2-chloroethyl) phosphate
- TCPP is tris(1-chloro-2-propyl) phosphate
- TDCPP is tris(1,3-dichloro-2-propyl) phosphate

TCPP and TDCPP as well as other restricted substances in consumer products for the US and other international markets. Please do not hesitate to contact us for further information.

Throughout our global network of laboratories, we are able to provide a range of services, including analytical testing and consultancy for the flame retardants TCEP,

⁶ [Senate Bill 151 and references therein](#)

⁷ [A06557](#)

⁸ [Senate Bill 5984](#)

⁹ [Senate Bill 6048](#)

¹⁰ [Substituted Senate Bill 6540](#)

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