

SAFEGUARDS

CONSUMER GOODS AND RETAIL

CONSUMER PRODUCTS

NO. 043/15 MARCH 2015

US STATE LEGISLATION UPDATE DISCLOSURE OF CERTAIN CHEMICALS IN CHILDREN'S PRODUCTS

In the United States, the use of priority chemicals (PCs) is regulated in specific products in Maine¹. Measures for the disclosure of chemicals of high concern to children (CHCCs) in children's products have also been implemented in Vermont² and Washington State³.

Since the beginning of 2015, a number of bills have been introduced in Connecticut, New York and Oregon to create lists of PCs and chemicals of high concern (CHCs) to regulate their use in children's products.

The proposal from Connecticut mandates the creation of a list of PCs in children's products⁴. The proposal also charges the Commissioner of Public Health to report on the status of the list of PCs, including but not limited to:

- Making recommendations to reduce exposure of PCs to children
- Providing a list of products that contain PCs
- Evaluating measures to reduce children's exposure to PCs

The bill from New York would establish the creation of a website for CHCs and PCs⁵. These 2 lists of chemicals would be reviewed on a periodic basis. The list of PCs would also include 7 metals, benzene and the flame retardant plasticiser tris-(2-chloroethyl) phosphate (TCEP). Under the proposal, a children's product containing an intentionally added PC would require reporting within 1 year after the PC has been listed. The proposal requires reporting to the state of NY and to retailers that carry the product in NY State. Starting in 2020, after the 1 year period, a product containing a PC would be strictly prohibited.

Oregon's proposal would create a list of high priority chemicals of concern (HPCCs) in children's products⁶. The list of HPCCs would also include the reporting list of Chemicals of High Concern to Children (CHCCs) from Washington State. The criteria for reporting an HPCC are also similar to those for Washington, including the presence of an HPCC that is

- Intentionally added and exceeds a yet to be established practical quantitation limit (PQL) or
- A contaminant and exceeds a concentration of 100 ppm



¹ [SG 21/15 and references therein](#)

² [SG 121/14](#)

³ [SG 201/13 and references therein](#)

⁴ [Raised HB 5653](#)

⁵ [S02408](#)

⁶ [SB 478](#)

The first biennial notice for reporting of an HPCC is by 1 January of the year following the year after the HPCC has been added onto the list. The use of an HPCC, however, would be eliminated or substituted on or before the submission of the 3rd biennial notice if a children’s product is:

- Mouthable
- A cosmetic product or
- Intended for children under the age of 3

Highlights of these proposals are summarised in Table 1.

TABLE 1.

JURISDICTION	BILL	SUBSTANCE	SCOPE	REQUIREMENT	EFFECTIVE DATE
Connecticut	Raised HB 5653 ⁴	Priority chemicals (PCs)	Children’s products	To create and maintain a list of PCs	1 July 2016
				<ul style="list-style-type: none"> • To report on the status of the list of PCs, including recommendations and evaluation of measures to reduce exposure of PCs to children • To establish a list of products containing PCs • Summary of actions taken in other states to restrict children’s exposure to PCs 	1 July 2016 and biennially thereafter
New York	S02408 ⁵	Chemicals of high concern (CHCs)	Products for children up to the age of 12	<ul style="list-style-type: none"> • To establish website containing CHCs within 180 days after the effective date of the new law • Periodic review of PCs 	120 days after Act becomes law
		Priority chemicals including <ul style="list-style-type: none"> • Antimony* • Arsenic* • Benzene • Cadmium • Cobalt* • Lead* • Mercury* • Molybdenum* • TCEP 		<ul style="list-style-type: none"> • To establish website containing PCs within 180 days after the effective date of the new law • Periodic review of PCs • Disclosure of information to the department and retailers of the consumer product within 12 months: <ol style="list-style-type: none"> 1) after PC has been added onto list and 2) PC is intentionally added to product 	
				<ul style="list-style-type: none"> • Use of PC is prohibited if PC has been listed for at least 1 year Exemption Enclosed batteries and electronic components	1 January 2020

Oregon	SB 478 ⁶	High priority chemicals of concern (HPCCs)	Products for children under the age of 12	<ul style="list-style-type: none"> To establish and maintain a list of HPCCs for children’s health. The above list shall include reporting list of CHCCs from Washington state Requirements are similar to those in Washington state, including disclosure of chemical requirements if the HPCC is <ol style="list-style-type: none"> intentionally added and exceeds a yet to be established practical quantitation limit (PQL) or a contaminant and exceeds 100 ppm <p>On or before submission of third biennial notice HPCC must be removed or substituted in a children’s products that is</p> <ul style="list-style-type: none"> Mouthable A cosmetic or Intended for children under the age of 3 	1 January 2016 Disclosure of HPCC First biennial notice by 1 January of the year following the year after the HPCC has been added onto the list
--------	---------------------	--	---	---	--

* refers to substance and its compounds

Throughout our global network of laboratories, we are able to provide a range of services, including analytical testing and consultancy, for priority chemicals and chemicals of similar nature in children’s products for the US and international markets. Please do not hesitate to contact us for further information.



FOR ENQUIRIES:

Global Competence Support Centre:
gcsc@sgs.com

HK– Hingwo Tsang Tel: +852 2774 7420 or
Hingwo.Tsang@sgs.com

Asia – Hong Kong,
 Tel: +852 2334 4481,
mktg.hk@sgs.com

Australasia – Perth.
 Tel: +61 (0) 3 9790 3418
au.cts@sgs.com

Europe – London – UK.
 Tel: +44(0) 203 008 7860
gb.cts.sales@sgs.com

Africa & Middle East – Turkey.
 Tel: +90 212 368 40 00
sgs.turkey@sgs.com

Americas – USA.
 Tel: +1 973 575 5252
uscts.inquiries@sgs.com

www.sgs.com/cgmr

© SGS Group Management SA – 2015– All rights reserved - SGS is a registered trademark of SGS Group Management SA. This is a publication of SGS, except for 3rd parties’ contents submitted or licensed for use by SGS. SGS neither endorses nor disapproves said 3rd parties contents. This publication is intended to provide technical information and shall not be considered an exhaustive treatment of any subject treated. It is strictly educational and does not replace any legal requirements or applicable regulations. It is not intended to constitute consulting or professional advice. The information contained herein is provided “as is” and SGS does not warrant that it will be error-free or will meet any particular criteria of performance or quality. Do not quote or refer any information herein without SGS’s prior written consent.