

SAFEGUARDS

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HARDGOODS, TOYS & JUVENILE PRODUCTS, SOFTLINES

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US LEGISLATION UPDATES FLAME RETARDANTS IN CHILDREN'S PRODUCTS AND FURNITURE

A number of States in the US have introduced bills to restrict certain flame retardants in consumer products. These bills essentially prohibit the use of flame retardants from the TRIS family in children's products and upholstered furniture.

In 1977, the US Consumer Product Safety Commission (CPSC) announced the prohibition of the flame retardant tris-(2,3-dibromopropyl) phosphate (TDBPP, also known as TRIS) in children's wearing apparel.¹

In August 2011, New York State approved a measure to prohibit the flame retardant tris-(2-chloroethyl) phosphate (TCEP, also referred to as TRIS) in toys and childcare articles for children under the age of 3. The law will be enforced on 1 December 2013.²

In October 2011, California incorporated the flame retardant Tris-(1,3-dichloro-2-propyl) phosphate, TDCPP (yet again known as TRIS), into the Proposition 65 (Prop 65) list of chemicals as a chemical known to the State to cause cancer. Once the chemical was listed, businesses had 12 months to comply with Prop 65 warning requirements.

In January 2013, we informed you that the Center for Environmental Health (CEH), a non-profit organisation, initiated the first ever legal action against retailers for products containing TDCPP in violation of Prop 65³. The flame retardant TDCPP is used in a range of applications including polyurethane (PU) foam materials, plastics, resins and fabric backings.

Since the beginning of 2013, a number of states in the US have introduced bills (proposals) to restrict flame retardants, including TDCPP and other members of the 'TRIS' family, in children's products and upholstered furniture. Highlights of these are summarised in Table 1.



¹ [CPSC Press Release # 77-030, April 7 1977](#)

² [SafeguardS 157/11](#)

³ [SafeguardS 018/13](#)

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TABLE 1.

JURISDICTION	BILL	SCOPE	FLAME RETARDANT	REQUIREMENT	PROPOSED EFFECTIVE DATE
Connecticut	HB 6332	Products for children up to age 3 such as changing pads, clothing, crib mattresses, nursing pillows and toys	TDCPP, TDCP, TCEP, TCPP	Prohibited	October 1, 2014
Maryland	HB 99	Child care and toy products for children under 3	TCEP	≤ 0.1 %	October 1, 2013
Massachusetts	S 351	1. Products for children up to 12 2. Residential upholstered furniture	TRIS (TDCPP or TCEP or TCPP)	≤ 50 ppm	January 1, 2014
		Consumer products	PBDEs* including Penta-BDE Octa-BDE and Deca-BDE	≤ 0.1 %	January 1, 2014
New Jersey	S1554 / A 760	Consumer products	Deca-BDE	≤ 0.1 %	1 January 2014
Vermont	H 241 / S081	Plastic shipping pallets or products made from recycled shipping pallets	Deca-BDE	≤ 0.1%	July 1, 2013
		Products for children under 12 years of age	TRIS (TDCPP or TCEP or TCPP)	≤ 50 ppm	July 1, 2013 (except inventory purchased prior to July 1, 2013) July 1, 2014 (retailer)
Washington State	Engrossed substitute HB 1294 / SB 5181	1. Children's products 2. Residential upholstered furniture	TDCPP or TCEP	≤ 100 ppm (engrossed substitute HB 1294)	July 1, 2015

* PBDE = polybrominated diphenyl ether

ITEM	ACRONYM	NAME
1	Deca-BDE	Decabromodiphenyl ether (CAS 1163-19-5)
2	Octa-BDE	Octabromodiphenyl ether (CAS 32536-52-0)

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ITEM	ACRONYM	NAME
3	Penta-BDE	Pentabromodiphenyl ether (CAS 3253-81-9)
4	TCEP	Tris-(2-chloroethyl) phosphate (CAS 115-96-8)
5	TCCP	Tris-(2-chloro-1-isopropyl) phosphate (CAS 13674-84-5)
6	TDCPP / TDCP	Tris-(1,3-dichloro-2-propyl) phosphate (CAS 13674-87-8)

Throughout our global network of laboratories, we are able to provide a range of services, including analytical testing and consultancy for flame retardants and other restricted substances in consumer products, including toys, childcare articles and upholstered furniture, for compliance with the US and worldwide requirements.



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