

# SAFEGUARDS

SGS CONSUMER TESTING SERVICES

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## US MARYLAND RESTRICTS FLAME RETARDANT TCEP IN CERTAIN CHILDCARE PRODUCTS

The US state of Maryland recently approved measures to limit tris(2-chloroethyl) phosphate (TCEP) in certain childcare products. The new law takes effect on 1 October 2013.

In August 2011, New York became the first state in the US to prohibit the use of the flame retardant tris-(2-chloroethyl) phosphate (TCEP) in certain childcare products, including toys, for children under 3<sup>1</sup>. The flame retardant TCEP has also been on California's Prop 65 list of chemicals since April 1992<sup>2</sup>. In April 2013, a Prop 65 settlement was reached which resulted in the reformulation of, among other flame retardants, TCEP in polyurethane (PU) foam materials in certain children's

products. The consent agreement listed 13 flame retardants, two of which are on the Prop 65 list [tris-(1,3-dichloro-2-propyl) phosphate (TDCPP) and TCEP]<sup>3</sup>.

In March 2013, we informed you that Maryland proposed to restrict TCEP in certain toys and childcare articles<sup>4</sup>. On 2 May 2013, the Governor of the US state of Maryland signed House Bill 99 (HB 99) into law to restrict TCEP in certain childcare products, including toys, for children under 3<sup>5</sup>. Maryland became the 2<sup>nd</sup> jurisdiction in the US to regulate TCEP in childcare products for children under 3. The scope of products is identical to those in New York, but New York has more stringent requirements. The new law for Maryland takes effect on 1 October 2013.

Highlights of the new law and a comparison with the prohibition of TCEP in New York are summarised in Table 1.

TABLE 1.

JURISDICTION	REGULATION (BILL)	FLAME RETARDANT	SCOPE	REQUIREMENT	EFFECTIVE DATE
Maryland	Chapter 349 (HB 99, 2012)	TCEP	Childcare products for children under 3, including <ul style="list-style-type: none"><li>Baby Products</li><li>Car Seats</li><li>Crib Mattress</li><li>Nursing Pillows</li><li>Stroller</li><li>Toys</li></ul>	≤ 0.1%	1 October 2013
New York	Chapter 259 (AB 6195, 2011)			Prohibited	1 December 2013



Since the beginning of 2013, a number of jurisdictions in the US have introduced bills to regulate flame retardants<sup>4</sup>. These include Connecticut, Massachusetts, New Jersey, Vermont and Washington. Delaware and North Carolina have recently introduced bills to regulate, among other chemicals, flame retardants in certain consumer products. Highlights of these are summarised in Table 2.



**TABLE 2.**

JURISDICTION	BILL	SUBSTANCE	SCOPE	REQUIREMENT	PROPOSED EFFECTIVE DATE
Delaware	HB 110 <sup>6</sup>	<b>Flame retardant</b> TCEP TCPP TDCPP	Products for children up to the age of 12 Residential upholstered furniture	≤ 50 ppm	1 July 2014
		Flame retardants that are chemicals of high concern		Prohibited	1 July 2015
North Carolina	HB 848 Toxic-Free Kids Act (2013 session) <sup>7</sup>	<b>Flame retardant</b> TCEP TDCPP	Products for children under the age of 12	≤ 50 ppm	1 July 2015
		Bisphenol A (BPA)		Prohibited	
		<b>Phthalate</b> BBP DBP DEHP DINP DIDP DnOP		≤ 0.1% (individually or in combination)	

#### DEFINITION

Item	Acronym	Name
1	BBP	Benzyl butyl phthalate
2	DBP	Dibutyl phthalate
3	DEHP	Di-(2-ethylhexyl) phthalate
4	DIDP	Diisodecyl phthalate
5	DINP	Diisononyl phthalate
6	DnOP	Di-n-octyl phthalate
7	TCEP	Tris-(2-chloroethyl) phosphate
8	TCPP	Tris-(2-chloro-1-methylethyl) phosphate
9	TDCPP	Tris-(1,3-dichloro-2-propyl) phosphate

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 for the US and international markets. Please do not hesitate to contact us for further information.



References:

- <sup>1</sup> [SafeguardS 157/11](#)
- <sup>2</sup> [http://oehha.ca.gov/prop65/prop65\\_list/Newlist.html](http://oehha.ca.gov/prop65/prop65_list/Newlist.html)
- <sup>3</sup> [SafeguardS 070/13](#)
- <sup>4</sup> [SafeguardS 049/13](#)
- <sup>5</sup> [MARTIN O'MALLEY, Governor Ch. 349- 1 -Chapter 349 \(House Bill 99\)](#)
- <sup>6</sup> [House of representatives 147th General Assembly - House Bill n°110](#)
- <sup>7</sup> [House DRH30406-TA-6 \(03/04\)](#)

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FOR ENQUIRIES:

Global Competence Support Centre: [gcsc@sgs.com](mailto:gcsc@sgs.com)

HK- Hingwo Tsang Tel: +852 2774 7420 or [Hingwo.Tsang@sgs.com](mailto:Hingwo.Tsang@sgs.com)

Asia - Hong Kong. Tel: +852 2334 4481 Fax: +852 2144 7001 [mktg.hk@sgs.com](mailto:mktg.hk@sgs.com)

Australasia - Perth. Tel: +61 (0) 3 9790 3418 Fax: +61 (0) 3 9701 0988 [au.cts@sgs.com](mailto:au.cts@sgs.com)

Europe - London - UK. Tel: +44(0) 203 008 7860 Fax: +44 (0) 203 00 7870 [gb.cts.sales@sgs.com](mailto:gb.cts.sales@sgs.com)

Africa & Middle East - Turkey. Tel: +90 212 368 40 00 Fax: +90 212 296 47 82 [sgs.turkey@sgs.com](mailto:sgs.turkey@sgs.com)

Americas - USA. Tel: +1 973 575 5252 Fax: +1 973 575 7175 [uscts.inquiries@sgs.com](mailto:uscts.inquiries@sgs.com)

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