

SAFEGUARDS

CONSUMER GOODS AND RETAIL

CONSUMER PRODUCTS

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US MAINE PROPOSES 4 PHTHALATES AS PRIORITY CHEMICALS FOR REPORTING IN CERTAIN CHILDREN'S PRODUCTS

The US state of Maine has recently proposed to designate 4 phthalates as Priority Chemicals for reporting requirements in children's products. The proposed reporting dates begin 12 months after the effective date, and are dependent on the size of the manufacturer.

In 2008, Maine enacted the 'TOXIC CHEMICALS IN CHILDREN'S PRODUCTS' Law¹. Under the law, a manufacturer or importer or distributor of certain products for children under the age of 12 is required to disclose specific information if a Priority Chemical is added to the product and exceeds the de minimis level.

Since enactment, the chemicals arsenic (As), bisphenol A (BPA), cadmium (Cd), mercury (Hg), nonylphenol (NP) and nonylphenol ethoxylates (NPEO) have been designated as priority chemicals.

On 9 July 2014, Maine announced a proposal to designate 4 phthalates as priority chemicals and reporting requirements for children's products containing one or more of the regulated phthalates². The 4 phthalates are:

- Di(2-ethylhexyl) phthalate (DEHP)
- Dibutyl phthalate (DBP)
- Benzylbutyl phthalate (BBP)
- Diethyl Phthalate (DEP)

Under the proposal, reporting to the Department of Environmental Protection (DEP) is required if the regulated phthalate is intentionally added to certain categories of products. The deadline for reporting is dependent on the size of the manufacturer in terms of annual aggregate gross sales within and outside Maine; ranging from largest to small.

The reporting requirements are waived if the product is subject to reporting under Washington's Children Safe Product Act (CSPA, Chapter 173-334 WAC)³ and substantially equivalent information is publically available from Washington's searchable online database.



A public hearing will be held on 29 July 2014 and the deadline for comments will be 29 September 2014.

Highlights of the proposal are summarised in Table 1.

¹ [SGS-Safeguard 120/14](#), and references therein

² [Dept Proposed Rulemaking, DEP, Maine](#)

³ [SGS-Safeguard 139/14, CSPA, CSPA Reporting Guidance](#)

TABLE 1.

DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) PROPOSAL FOR CHAPTER 888; DESIGNATION OF 4 PHTHALATES AS PRIORITY CHEMICALS				
MANUFACTURER CATEGORY (Annual aggregate gross sales (X) in USD, within and outside Maine, based on the manufacturer's most recent tax year filing)	PHTHALATE	SCOPE OF CHILDREN'S PRODUCTS*	REPORTING REQUIREMENT	REPORTING DEADLINE (after effective date)
Largest (X > 1 billion)	<ul style="list-style-type: none"> • DEHP • DBP • BBP • DEP 	<ul style="list-style-type: none"> • Apparel and footwear • Arts and crafts • Building products • Cosmetic and personal care • Home maintenance • Household and commercial • Household furniture and furnishings • Personal accessories 	<ul style="list-style-type: none"> • Manufacturer's ID and contact details • Product description • Quantity of regulated phthalate • Function of phthalate in product • Number of product units sold or distributed in Maine or nationally (expressed in range) 	Within 12 months
Larger (250 million < X ≤ 1 billion)				Within 18 months
Medium (100 million < X ≤ 250 million)				Within 24 months
Small (X ≤ 100 million)				To be established after evaluation of information by medium
DEFINITION "Children's product" is a consumer product intended for, made for or marketed for use by children under 12 years of age and any consumer product containing a chemical of high concern that when used or disposed of will likely result in a child under 12 years of age or a foetus being exposed to that chemical				

Throughout our global network of laboratories, we are able to provide a range of services, including analytical testing and consultancy for priority chemicals or chemicals of high concern to children (CHCCs) for the US and international markets. Please do not hesitate to contact us for further information.



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