

# SAFEGUARDS

## CONSUMER GOODS AND RETAIL

CONSUMER PRODUCTS

NO. 021/15 JANUARY 2015

## US MAINE PROPOSES FORMALDEHYDE AND PHTHALATES FOR REPORTING IN CERTAIN CHILDREN'S PRODUCTS

The US state of Maine has recently announced proposals to designate formaldehyde and 4 phthalates as Priority Chemicals for reporting in children's products. Comments from the general public will be accepted until mid-February 2015.

In 2008, Maine enacted the 'Toxic Chemicals in Children's Products' law<sup>1</sup>. 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 (PC) 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 (NPEOs) have been designated as PCs.

On 14 January 2015, the Department of Environmental Protection (DEP) of Maine announced two public notices to propose the designation of formaldehyde (Chapter 885) and 4 forms of phthalates (DEHP, DBP, BBP and DEP) (Chapter 888) as PCs for reporting in children's products<sup>2</sup>. This proposed rule includes household cleaners, building materials and personal care products that may be used on or near children in the definition of children's products. The proposed effective date for reporting will be within 180 days after the effective date of these 2 Chapters.

Comments from the general public will be accepted until 17 February 2015. Highlights of the 2 proposals are summarised in Table 1.



<sup>1</sup> [SGS-Safeguards 137/14 and references therein](#)

<sup>2</sup> [Maine DEP Proposed Rulemaking, Chapter 885 Formaldehyde, Chapter 888 Phthalates](#)

TABLE 1.

PROPOSALS TO DESIGNATE FORMALDEHYDE AND FOUR PHTHALATES AS PRIORITY CHEMICALS		
CHAPTER	885	888
Priority Chemical (PC)	Formaldehyde	BBP, DBP, DEHP and DEP
Scope	Children’s products containing <b>intentionally added</b> priority chemical	
Definition of Children’s product	<ul style="list-style-type: none"> <li>• Products intended for children under 12 years of age</li> <li>• Product containing a chemical of high concern (CHC) 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.</li> </ul>	
Children’s product subject to reporting (definition of each product can be found in proposal)	<ul style="list-style-type: none"> <li>• Clothing and footwear</li> <li>• Cosmetic and personal care products</li> <li>• Craft supplies</li> <li>• Personal accessories and jewellery</li> </ul>	
	<ul style="list-style-type: none"> <li>• Bedding</li> <li>• Childcare articles</li> <li>• Embellishments</li> <li>• Games</li> <li>• Occasion supplies</li> <li>• Safety seats</li> <li>• School supplies</li> <li>• Toys</li> </ul>	<ul style="list-style-type: none"> <li>• Building and home maintenance</li> <li>• Household and commercial cleaning products</li> <li>• Household furniture and furnishings</li> </ul>
Information required for reporting	<ul style="list-style-type: none"> <li>• Manufacturer’s contact details</li> <li>• Product description, including whether component containing PC can be placed in the mouth (a component is considered to be mouthable if any one dimension of the component is less than 5 cm)</li> <li>• Number of items sold in Maine or nationally</li> <li>• Concentration and function of PC</li> <li>• Other information deemed relevant to reporting</li> </ul>	
Exemption	<ul style="list-style-type: none"> <li>• Used products</li> <li>• Food and beverage packaging</li> <li>• Transportation (except detachable car seats)</li> </ul>	
Effective date for reporting	Within 180 days of effective date of new law	

## DEFINITIONS

ITEM	ACRONYM	NAME	ITEM	ACRONYM	NAME
1	BBP	Benzylbutyl phthalate	3	DEHP	Bis(2-ethylhexyl) phthalate
2	DBP	Dibutyl phthalate	4	DEP	Diethyl phthalate

Throughout our global network of laboratories, we are able to provide a range of services, including analytical testing and consultancy, for Priority Chemicals and other restricted substances in consumer products for Maine and international markets. Please do not hesitate to contact us for further information.



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