

SAFE GUARDS

SGS CONSUMER TESTING SERVICES

HARDGOODS, TOYS & JUVENILE PRODUCTS

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US STATE OF VERMONT EXPANDS RESTRICTION OF FLAME RETARDANTS

The state of Vermont recently approved measures to expand the scope of products regulated for the brominated flame retardants Octa-BDE and Penta-BDE. The new law also regulates the chlorinated flame retardants TCEP and TDCPP, also known as TRIS, in children's products and residential upholstered furniture. The effective date for TCEP and TDCPP is dependent on the nature of the party and starts in January 2014.

In May 2009, we informed you that the US state of Vermont approved measures to regulate the brominated flame retardants Penta-BDE and Octa-BDE in consumer products as well as Deca-BDE in specific products¹.

On 16 June 2013, the governor of Vermont signed bill S 81 'An Act relating to the regulation of Octa-BDE, Penta-BDE, Deca-BDE and the flame retardant known as TRIS in consumer products' into law to expand the scope of restriction of Deca-BDE to plastic shipping pallets and to regulate the chlorinated flame retardants TCEP and TDCPP in:

- Products for children under the age of 12 and
- Residential upholstered furniture (furniture intended for personal use that includes cushioning material covered by fabric or similar material).

Under the new law, a manufacturer shall not replace Deca-BDE, TCEP or TDCPP with a chemical that is classified as a. or b. below by the National Toxicology Program of the US Department of Health and Human Services

- a. Classified as 'known' or 'reasonably anticipated to be a human carcinogen',
- b. Identified as causing birth defects, hormone disruption, neurotoxicity, or harm to reproduction or development.

The new law also directs the Commissioner of Health to see whether it is necessary to adopt by rule the restriction of the chlorinated flame retardant TDCPP in children's products and residential upholstered furniture.

Highlights of the existing and newly expanded law are summarised in Table 1.



¹ [SafeGuardS 116/09-US state of Vermont bans consumer products containing brominated flame retardants \(BFRs\)](#)

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TABLE 1.

JURISDICTION	REGULATION (BILL)	FLAME RETARDANT	SCOPE	REQUIREMENT, UNLESS OTHERWISE STATED, IS PER COMPONENT / MATERIAL	EFFECTIVE DATE
Vermont	Sec. 1. 9 VSA Chapter 80 Section 2971 [Act 61 (S 260 / H 598 / H 444, 2009)]	Penta-BDE	<ul style="list-style-type: none"> Product 	≤ 0.1%	1 July 2010
		Octa-BDE	<ul style="list-style-type: none"> Product 	≤ 0.1%	1 July 2010
		Deca-BDE	<ul style="list-style-type: none"> Mattress or mattress pad Upholstered furniture 	≤ 0.1%	1 July 2010
		Deca-BDE	<ul style="list-style-type: none"> Television or computer with a plastic housing 	≤ 0.1%	1 July 2012
	Sec. 1. 9 VSA Chapter 80 Section 2971 [Act 85 (S 81 ² , 2013)]	Deca-BDE	<ul style="list-style-type: none"> Plastic shipping pallets or products made from recycled shipping pallets <p>Exemption Plastic shipping pallets manufactured before 1 January 2011</p>	≤ 0.1%	1 July 2013
		TCEP or TDCPP	<ul style="list-style-type: none"> Products for children under 12 years of age Residential upholstered furniture <p>Exemption Inventory manufactured prior to 1 January</p>	≤ 0.1%	1 January 2014 (other than retailer) 1 July 2014 (retailer)
		TCEP or TDCPP	<ul style="list-style-type: none"> Personal computers Audio and video equipment Calculators Wireless telephones Game consoles Handled devices incorporating a screen that are used to access interactive software and their associated peripherals, and cable and other similar connecting devices Interactive software intended for leisure and entertainment, such as computer games, and their storage media, such as compact discs (CDs) <p>Exemption Inventory manufactured prior to 1 January 2014</p>	≤ 0.1% (per article as defined under the European Regulation (EC) 1907/2009, REACH)	

² S 081 (Session 2013) and references therein

NOTE

ITEM	ACRONYM	NAME
1	Deca-BDE	Decabromodiphenyl ether (CAS 1163-19-5)
2	Octa-BDE	Octabromodiphenyl ether (CAS 32536-52-0)
3	Penta-BDE	Pentabromodiphenyl ether (CAS 3253-81-9)
4	TCEP	Tris-(2-chloroethyl) phosphate (CAS 115-96-8)
5	TCPP	Tris-(2-chloro-1-isopropyl) phosphate (CAS 13674-84-5)
6	TDCPP	Tris-(1,3-dichloro-2-propyl) phosphate (CAS 13674-87-8)

EXEMPTION

- Sale or resale of used products
- Motor vehicles or parts for use on motor vehicles and
- Building insulation materials



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. Please do not hesitate to contact us for further information.

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