

SAFE GUARDS

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HARDLINES, SOFTLINES, ELECTRICAL & ELECTRONICS

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US WASHINGTON ADOPTS REPORTING RULE FOR CHILDREN'S SAFE PRODUCTS ACT

The Washington State Department of Ecology has adopted the final rule to carry out the state's Children's Safe Product Act (CSPA)¹. The rule requires manufacturers of children's products to report if their products contain certain chemicals.



The Children's Safe Product Act (CSPA) passed by Washington State in 2008 contained a mandate for the Department of Ecology to collect information that will help the government and the public better understand the presence of chemicals in children's products. It requires manufacturers of children's products to report if a chemical of high concern to children (CHCC) is present in their products or, if the product contains more than one component, each product component. Ecology has published a Reporting List of 66 CHCC² following a lengthy consultation period with multiple stakeholders. The listed chemicals are considered toxic and have either been found in children's products or have been documented to be present in human tissue (blood, breast milk, etc.).

The rule applies to children's products like:

- Toys, cosmetics, jewellery and car seats or
- A product designed or intended by the manufacturer to help a child with sucking or teething, to facilitate sleep, relaxation, or the feeding of a child, or to be worn as clothing by children.

The largest manufacturers that make those products that are intended to be placed in a child's mouth or on their skin, or products for children age 3 and under, must report first. Starting August 2012, the largest manufacturers³ must report to Ecology if any of these listed chemicals are intentionally added to, or occur as contaminants in, children's products that are sold in Washington State. Smaller manufacturers have more time, depending upon their size⁴. Retailers who only sell, but do not make or import, children's products are not subject to this reporting requirement. Highlights of the annual notice due dates are summarized in Table 1.

¹ [Children's Safe Products Act](#)

² [The Proposed Reporting List of Chemicals of High Concern to Children \(CHCC\)](#)

³ "Manufacturer" means the producer, importer, or wholesale domestic distributor of a children's product

⁴ [SafeGuards 146/10: US WASHINGTON UPDATES: CHILDREN'S SAFE PRODUCTS ACT \(CSPA\)](#)

TABLE 1

Manufacturer Category (annual aggregate gross sales (X) in USD, within and outside Washington, based on the manufacturer's most recent tax year filing)	First Annual Notice for a component in Children's Product containing a CHCC that is			
	Tier 1 (intended to be put into mouth or applied to a child's body (e.g., lotion and cream) or any mouthable children's product for children up to the age of 3)	Tier 2 (direct skin contact for > 1 hour, e.g., jewellery, clothes, bedding)	Tier 3 (direct skin contact for < 1 hour, e.g., toys)	Tier 4 (no direct contact with skin or mouth, e.g., inaccessible components)
Largest (X > 1 billion)	Aug 21, 2012	Feb 21, 2013	Feb 21, 2013	Reporting not required, except by amendment of rule, based on a case-by-case evaluation by Department of Ecology
Larger (250 million < X ≤ 1 billion)	Feb 21, 2013	Aug 21, 2013	Aug 21, 2014	
Medium (100 million < X ≤ 250 million)	Aug 21, 2013	Aug 21, 2014	Aug 21, 2015	
Small (5 million < X ≤ 100 million)	Aug 21, 2014	Aug 21, 2015	Aug 21, 2016	
Smaller (100, 000 < X ≤ 5 million)	Aug 21, 2015	Aug 21, 2016	Aug 21, 2017	
Tiny (X < 100, 000)	Aug 21, 2016	Aug 21, 2017	Aug 21, 2018	

SGS will follow up and inform interested parties as developments on US and other international legislation occur. Throughout our global network of laboratories, we are able to provide a wide range of services, including analytical testing and consultancy for restricted substances for consumer products, including those for children, for the US and international markets. Please do not hesitate to contact us for further information.



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