

SAFEGUARDS

CONSUMER GOODS AND RETAIL

HARDGOODS, TOYS & JUVENILE PRODUCTS, SOFTLINES

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US WASHINGTON STATE AMENDS CHEMICALS UNDER CHILDREN'S SAFE PRODUCT REPORTING RULE

In 2008, the US State of Washington adopted the Children's Safe Products Act (CSPA). The CSPA has 2 main provisions in relation to children's products:

- To set strict standards for cadmium, lead and phthalates
- To report the presence of any Chemical of High Concern for Children (CHCC) in an accessible component. Reporting to the Department of Ecology (DOE) is required if a CHCC is:
 - present as a contaminant and at a concentration of more than 100 ppm, or
 - intentionally added and the concentration of the CHCC exceeds the Practical Quantitation Limit (PQL)

The strict standards for cadmium, lead and phthalates in children's products were preempted by the Consumer Product Safety Improvement Act of 2008 (CPSIA). However, the reporting rule for CHCCs in children's products was implemented, and the date to report a CHCC was to be dependent on the size of the manufacturer and the category of children's product. The first reporting due date was in August 2012¹ for largest manufacturers with Tier 1 products. The timetable for other companies and products is given in the references.

On 22 October 2013, the DOE published a 'RULE ADOPTION NOTICE' (RAN) to amend the list of CHCCs under the Children's Safe Product Act – Reporting Rule (Chapter 173-334 – WAC)². Under the RAN, the DOE:

- removed n-butanol (CAS 71-36-3)
- added tris(1,3-dichloro-2-propyl) phosphate (TDCPP) (CAS 13674-87-8)

According to the amendment, the presence of TDCPP must be reported in all notices required to be filed after 31 August 2014. The first reports for TDCPP will be due in February 2015 for all companies that meet the size and product-type category for that date. The number of chemicals on the CHCC list remains at 66³.

Highlights of the amendment are summarised in Table 1.



¹ [SGS-SafeguardS 109/08, 037/10, 139/13, 175/11](#)

² [Rule Adoption Notice, Publication Number 13-07-062, October 2013](#)

³ [Amended Rule Text \(new list of CHCCs\) Other Rule Making Notices, Dept of Ecology](#)

TABLE 1.

JURISDICTION	SCOPE	AMENDMENT TO LIST OF CHEMICALS OF HIGH CONCERN (CHCCs)	EFFECTIVE DATE	DUE DATE FOR FIRST REPORTS UNDER REVISED RULE
Washington state	Accessible components in children's products	<ul style="list-style-type: none"> Added tris(1,3-dichloro-2-propyl) phosphate (TDCPP) (CAS 13674-87-8) Removed n-butanol (CAS 71-36-3) 	22 November 2013	28 February 2015

The flame retardant TDCPP has also been listed on the California Proposition 65 (Prop 65) list of chemicals since 28 October 2011⁴. Upon listing, warning label requirements for TDCPP are to be enforced 12 months thereafter (from 28 October 2012)⁵.

In the last few months, we informed you that there were 2 Prop 65 consent agreements in relation to TDCPP and other flame retardants⁶. The consent agreements reached were for:

- polyurethane foam-cushioned pads for infants and children to lie on
- polyurethane foamed-cushioned upholstered furniture.

Throughout our global network of laboratories, we are able to provide a range of services, including analytical testing and consultancy, for consumer products for compliance with CSPA, Prop 65 and worldwide requirements. Please do not hesitate to contact us for further information.



⁴ http://oehha.ca.gov/prop65/prop65_list/files/P6_509272013.pdf

⁵ [Prop 65 in plain language](#)

⁶ [SGS-SafeguardS 177/13](#) and references therein

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