

SB 763 (Leno)

As Introduced February 27, 2015

Disclosure of Flame Retardant Chemicals in Children's Products

FACT SHEET

SUMMARY

SB 763 will provide consumers with information about whether the children's products they are purchasing contain added flame retardant chemicals.

Specifically, SB 763 requires manufacturers of certain products for infants and children to disclose on a label whether or not the products contain flame retardant chemicals.

BACKGROUND

Legacy of an Old Open Flame Test

In 1975, California implemented a flammability standard for furniture known as Technical Bulletin 117 (TB 117), that led to widespread use of flame retardant chemicals, including in products for infants and children.

Polyurethane foam is a common filling used inside both furniture and children's products. In order to pass the TB117 open flame test, flame retardants were often added to the polyurethane foam filling. As more research occurred, it became apparent that the California standard did not reduce fire deaths more than in other states during the years that the standard was in effect.ⁱ

Even more concerning, Growing evidence showed that many fire retardant chemicals have serious human and environmental health impacts, including cancer, decreased fertility, hormone disruption, lower IQ, and hyperactivity.ⁱⁱ A typical household can contain up to several pounds of these chemicals, and their extensive use to meet TB 117 has led to contamination of the global environment.ⁱⁱⁱ An additional concern is that the presence of some flame retardant chemicals when there is a fire can result in toxic smoke that contains cancer-causing chemicals that put firefighters at increased risk.

Migration into Humans & Animals

These toxic chemicals are not chemically bonded to the product and mix with household dust that is ingested, inhaled, or otherwise absorbed into humans, pets, and wildlife. Today, virtually every Californian tested has been found to have flame retardant chemicals stored in their bodies, with babies and young children showing the highest "body burdens".

Young children who spend a great deal of time crawling or playing on the floor near the contaminated dust actually ingest these chemicals through their frequent hand-to-mouth behaviors. As a result young children have been found to have 3-5 times

higher levels of flame retardant chemicals than their mothers. Flame retardant chemicals can cross the placenta and are also found in breast milk. Elevated levels have also been found throughout the food chain, especially in fats found in dairy products, meat, poultry, and fish.

Some Flame Retardants Banned

For years, Californians have worked to address the health and environmental impacts of the 1975 standard. State legislation in 2003 and 2004 banned two flame retardants, pentabrominated diphenyl ether and octabrominated diphenyl ether, that were shown to be bioaccumulating in humans and in wildlife around the world. Expansive use of those chemical fire retardants were largely driven by California's TB 117.

State Regulatory Action

California's flammability standards are regulated by the Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation (BEARHFTI or "The Bureau").

Due to public concern about flame retardant safety, BEARHFTI exempted some children's products from having to meet the flammability standards of TB 117, on the basis that these products did not pose a significant fire risk. The exemption of these children's products allowed manufacturers to avoid the use of chemical flame retardants in their products.

The growing body of evidence that flame retardant chemicals do not provide an added fire safety benefit contributed, in part, to Governor Brown directing BEARHFTI in June 2012 to revise the flammability standards to "recommend changes to reduce toxic flame retardants while continuing to ensure fire safety." The new standard, TB-117-2013, also exempts a number of additional children's products.

TB 117-2013 allows furniture manufacturers to choose to make their products with or without flame retardant chemicals. To help consumers make informed choices, the Legislature passed SB 1019 (Leno) in 2012, which requires manufacturers to label furniture to indicate whether or not it has added flame retardant chemicals.

Flame Retardants in Children's Products

Tests have found fire retardant chemicals present in polyurethane foam in baby products which are in intimate contact with infants and young children including portable cribs, bassinets, car seats, strollers, playpens, swings, nursing pillows, high chairs and toddler chairs.

As is current law for furniture, consumers deserve the right to make educated choices about purchasing children's products that may include flame retardants associated with serious developmental and health consequences. When consumers choose to purchase safer products, they create a direct and positive market signal that reduces toxic exposures for their families, for firefighters, and for the environment.

SOLUTION

SB 763 will give consumers the ability and freedom to make informed decisions when purchasing products for their children. The bill does not ban the use of any chemical, but simply provides a "right to know."

This bill focuses on the children's products exempted from TB 117-2013, since many of these products may contain toxic fire retardants and currently have no disclosure label.

Labels will be required on bassinets, booster seats, car seats, changing pads, floor play mats, high chairs, high chair pads, infant bouncers, infant carriers, infant seats, infant swings, infant walkers, nursing pads, nursing pillows, playpen side pads, playards, portable hook-on chairs, strollers, children's nap mats, baby carriers (worn by parent), foam crib mattresses, and children's upholstered furniture. Manufacturers now have the ability to design these products without added flame retardants and consumers need certainty at the point of purchase as to whether these chemicals are included.

This bill will require the disclosure of the use or absence of flame retardant chemicals on a label that is attached to the product, noted on the package, and disclosed online and in catalogues where a product is offered for sale. Manufacturers will be required to provide documentation to BEARHFTI when they claim a product contains no flame retardant chemicals.

SB 763 will give parents the information they need to choose safe and healthy products for their children.

STATUS

2/27/15 Introduced

SUPPORT

- California Professional Firefighters (Co-Sponsor)
- Center for Environmental Health (Co-Sponsor)
- Consumer Federation (Co-Sponsor)
- Breast Cancer Fund
- CalFIRE Firefighters, Local 2881
- California League of Conservation Voters

- Californians for a Healthy and Green Economy (CHANGE)
- CALPIRG
- Clean Water Action
- Dignity Health
- Earth Justice
- Environment California
- International Association of Firefighters
- Health Care Without Harm
- Natural Resources Defense Council
- Trauma Foundation
- Pesticide Action Network

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ⁱ John R. Hall Jr., *U.S. Unintentional Fire Death Rates By State, Fire Analysis and Research Division*, National Fire Protection Association, Quincy, MA, June 2006.

ⁱⁱ Office of Environmental Health and Hazard Assessment, Evidence of Carcinogenicity of Tris (1,3-Dichloro-2-Propyl) Phosphate, July 2011.

Harley et al, PBDE Concentrations in Women's Serum and Fecundability, Vol. 118, Number 5, Environmental Health Perspectives, May 2010.

Patisaul et al. Accumulation and Endocrine Disrupting Effects of the Flame Retardant Mixture Firemaster(®) 550 in Rats: An Exploratory Assessment. *J Biochemical Molecular Toxicology*, 2012.

Chen et al, Prenatal Polybrominated Diphenyl Ether Exposures and Neurodevelopment in U.S. Children through 5 Years of Age: The HOME Study, Vol. 22, number 8, Environmental Health Perspectives, August 2014.

ⁱⁱⁱ Sormo et al, Biomagnification of Polybrominated Diphenyl Ether and Hexabromocyclododecane Flame Retardants in the Polar Bear Food Chain in Svalbard, Norway, *Environmental Toxicology and Chemistry*, Vol. 25, No. 9, pp. 2502–2511, 2006