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**OLR Bill Analysis****sHB 5218*****AN ACT CONCERNING TOXIC FIRE RETARDANTS IN CHILDREN'S PRODUCTS.*****SUMMARY:**

This bill prohibits any person from manufacturing, selling, offering for sale, or distributing in Connecticut any children's product containing the tris flame retardant chemicals TDCPP, TDCP, TCEP, or TCPP except for products governed by federal motor vehicle safety standards related to child restraint systems and flammability of car interiors.

The prohibition does not apply to the sale or distribution of children's products resold, offered for resale, or distributed by consumers for consumer use.

The bill requires the commissioner of the Department of Consumer Protection (DCP) to enforce its provisions, within available appropriations. It requires the commissioner, after providing notice and a hearing in accordance with the Uniform Administrative Procedure Act, to levy a civil penalty of up to \$1,000 per day for the first violation and up to \$2,500 per day for any subsequent violation. The penalty must be deposited into the Consumer Protection Enforcement Account (see BACKGROUND).

The bill defines "consumer" as any individual who enters into a transaction primarily for personal, family or household purposes. It defines "children's product" as any product including, but not limited to, clothing, toys, nursing pillows, crib mattresses and changing pads designed or intended primarily for use by children three years of age or younger.

EFFECTIVE DATE: October 1, 2014

### ***Tris Flame Retardants***

The flame retardant chemicals covered by the bill are collectively referred to as “tris” chemicals. The tris chemicals listed are chlorinated, meaning they contain chlorine bound to carbon. Brominated tris, which contains bromine bound to carbon, was banned from children’s pajamas by the Consumer Product Safety Commission in 1977 after a National Cancer Institute study showed the chemical caused cancer in test animals.

“TDCPP” and “TDCP” mean Tris (1, 3-dichloro-2-propyl) phosphate. TDCPP has been designated as a carcinogen by the state of California.

“TCEP” means Tris (2-chloroethyl) phosphate. TCEP is also classified as a carcinogen by the state of California and a reproductive hazard by the European Union.

“TCPP” means Tris (1-chloro-2-propyl) phosphate. To date, there is little information available on TCPP’s toxicity. TCPP is structurally similar to TDCPP and TCEP.

### ***Federal Motor Vehicle Safety Standards***

Federal motor vehicle safety standards require that child safety restraints and most of a car’s interior components must be made of materials that burn at a maximum of 102 mm. per minute. Under the bill, child safety restraints and a car’s interior components may still contain tris fire retardant chemicals.

## **BACKGROUND**

### ***Consumer Protection Enforcement Account***

DCP uses the Consumer Protection Enforcement Account to fund positions and other related expenses for the enforcement of its licensing and registration laws.

## **COMMITTEE ACTION**

Select Committee on Children

Joint Favorable Substitute Change of Reference

Yea 6 Nay 2 (03/08/2012)

Environment Committee

Joint Favorable

Yea 24 Nay 3 (03/23/2012)