



# House of Representatives

General Assembly

**File No. 384**

February Session, 2012

Substitute House Bill No. 5218

*House of Representatives, April 12, 2012*

The Committee on Environment reported through REP. ROY of the 119th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## ***AN ACT CONCERNING TOXIC FIRE RETARDANTS IN CHILDREN'S PRODUCTS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2014*) (a) As used in this  
2 section:

3 (1) "Children's product" means any product designed or intended  
4 primarily for use by children three years of age or younger, including,  
5 but not limited to, clothing, toys, nursing pillows, crib mattresses and  
6 changing pads.

7 (2) "Consumer" means any individual who enters into a transaction  
8 primarily for personal, family or household purposes.

9 (3) "TDCPP" and "TDCP" means Tris (1,3-dichloro-2-propyl)  
10 phosphate.

11 (4) "TCEP" means Tris (2-chloroethyl) phosphate.

12 (5) "TCPP" means Tris (1-chloro-2-propyl) phosphate.

13 (b) Except as provided in subsection (c) of this section, on and after  
14 October 1, 2014, no person shall manufacture, sell, offer for sale or  
15 distribute in this state any children's product containing TDCPP,  
16 TDCP, TCEP or TCPP, as defined in subsection (a) of this section,  
17 except for such products governed by federal motor vehicle standards  
18 contained in 49 CFR Sections 571.213 and 571.302.

19 (c) The provisions of this section shall not apply to the sale or  
20 distribution of children's products resold or offered for resale or  
21 distributed by consumers for consumer use.

22 (d) The provisions of this section shall be enforced, within available  
23 appropriations, by the Commissioner of Consumer Protection.

24 (e) The Commissioner of Consumer Protection shall, after notice and  
25 hearing pursuant to chapter 54 of the general statutes, levy a civil  
26 penalty on any person who violates any provision of this section of not  
27 more than one thousand dollars per day for the first violation and not  
28 more than two thousand five hundred dollars per day for any  
29 subsequent violation. Such penalty shall be deposited into the  
30 consumer protection enforcement account established pursuant to  
31 section 21a-8a of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2014	New section

**KID**      *Joint Favorable Subst. C/R*      ENV

**ENV**      *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 13 \$	FY 14 \$	FY 15 \$
Consumer Protection, Dept.	GF - Potential Cost	None	None	150 to 200 per test
Consumer Protection, Dept.	Consumer Protection Enforcement account - Potential Revenue Gain	None	None	Less than \$5,000

**Municipal Impact:** None

**Explanation**

The bill results in a cost to the Department of Consumer Protection (DCP) beginning in FY 15 as it would result in testing various children’s products for toxic fire retardants. The bill specifies that the DCP enforce the provisions within available appropriations. However, if the provisions were to be implemented the cost to the DCP would be dependent upon the number of tests. Additionally the bill results in a potential revenue gain to the Consumer Protection Enforcement account of less than \$5,000 as fewer than five violations are anticipated.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of violations and required tests.

**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)