



# House of Representatives

General Assembly

**File No. 40**

January Session, 2013

House Bill No. 6332

*House of Representatives, March 18, 2013*

The Committee on Children reported through REP. URBAN of the 43rd Dist., Chairperson of the Committee on the part of the House, that the 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) "TDCPP" and "TDCP" means Tris (1,3-dichloro-2-propyl)  
8 phosphate.

9 (3) "TCEP" means Tris (2-chloroethyl) phosphate.

10 (4) "TCPP" means Tris (1-chloro-2-propyl) phosphate.

11 (b) On and after October 1, 2014, no person shall manufacture, sell,

12 offer for sale or distribute in this state any children's product  
13 containing TDCPP, TDCP, TCEP or TCPP, except for such products  
14 governed by federal motor vehicle standards contained in 49 CFR  
15 Sections 571.213 and 571.302.

16 (c) The provisions of subsection (b) of this section shall not apply to  
17 any individual who resells, offers for resale or distributes children's  
18 products primarily for personal, family or household purposes.

19 (d) The Commissioner of Consumer Protection shall, within  
20 available appropriations, enforce the provisions of this section.

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

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 14 \$	FY 15 \$
Consumer Protection, Dept.	GF - Cost	None	13,750 to 22,500
Consumer Protection, Dept.	Consumer Protection Enforcement account - Potential Revenue Gain	None	Less than 5,000

**Municipal Impact:** None

**Explanation**

The bill results in a cost to the Department of Consumer Protection (DCP) of \$13,750 to \$22,500 beginning in FY 15. The cost is based on testing 75 to 100 products for toxic fire retardants. Each test will cost \$150 to \$200. Testing costs will therefore range from \$11,250 to \$20,000. Additionally, each item tested will have to be purchased by the DCP which will result in an estimated cost of \$2,500. Finally, the bill results in a potential revenue gain to the Consumer Protection Enforcement account beginning in FY 15 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 inflation, the number of tests and the number of violations.

**OLR Bill Analysis****HB 6332*****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 TDCPP, TDCP, TCEP, or TCPP ("tris flame retardant chemicals"). Child restraint systems and motor vehicle interior material are exempt from the ban but they must meet federal motor vehicle safety flammability standards. Also, the ban does not apply to a person who resells, offers for resale, or distributes children's products primarily for personal, family, or household use.

The Department of Consumer Protection (DCP) commissioner must enforce the bill, within available appropriations. The bill requires him, after providing notice and a hearing in accordance with the Uniform Administrative Procedure Act, to impose a civil fine on violators of up to \$1,000 per day for the first violation and up to \$2,500 per day for subsequent violations. Fines must be deposited into the consumer protection enforcement account, which DCP uses to fund positions and other related expenses for the enforcement of its licensing and registration laws. Under current law, civil fines are usually deposited in the General Fund.

Under the bill, (1) "TDCPP" and "TDCP" mean Tris (1, 3-dichloro-2-propyl) phosphate, (2) "TCEP" means (2-chloroethyl) phosphate, and (3) "TCPP" means Tris (1-chloro-2-propyl) phosphate. The bill defines "children's product" as any product, including clothing, toys, nursing pillows, crib mattresses, and changing pads designed or intended primarily for use by children age three or younger.

EFFECTIVE DATE: October 1, 2014

## **BACKGROUND**

### ***Flame Retardant Chemicals***

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 has been designated as a carcinogen by California. TCEP is also classified as a carcinogen by California and a reproductive hazard by the European Union. To date, there is little information available on TCPP's toxicity. TCPP is structurally similar to TDCPP and TCEP.

## **COMMITTEE ACTION**

Children Committee

Joint Favorable

Yea 8 Nay 4 (02/28/2013)