



# House of Representatives

General Assembly

**File No. 77**

February Session, 2014

House Bill No. 5035

*House of Representatives, March 25, 2014*

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, 2015*) (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,  
6 changing pads, strollers and car seats.

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, 2015, 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 Section 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, 2015	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 15 \$	FY 16 \$
Consumer Protection, Dept.	GF - Cost	None	62,000
State Comptroller - Fringe Benefits <sup>1</sup>	GF - Cost	None	10,265

**Municipal Impact:** None

**Explanation**

The bill results in a cost to the state of \$72,265 in FY 16. This includes the cost of a part-time Product Safety Inspector (PSI) at the Department of Consumer Protection (\$29,000) with associated Other Expenses (\$5,000) and testing costs of (\$28,000) along with a fringe benefit cost of \$10,265.

The PSI would be responsible for developing and implementing an awareness campaign for retailers along with periodically monitoring retail establishments for compliance. The monitoring would include purchasing suspect items and having such items tested for toxic fire retardants. It is assumed that approximately 80 products per year would be tested at a cost of \$350 per item.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation and the number of items tested.

<sup>1</sup>The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 36.66% of payroll in FY 15 and FY 16.

**OLR Bill Analysis****HB 5035*****AN ACT CONCERNING TOXIC FIRE RETARDANTS IN CHILDREN'S PRODUCTS.*****SUMMARY:**

This bill bans, starting October 1, 2015, the sale or manufacture of certain children's products that contain certain chemicals used as fire retardants. It requires the consumer protection commissioner to impose civil penalties on people who sell or manufacture these products after that date.

EFFECTIVE DATE: October 1, 2015

**BANNED PRODUCTS**

The bill bans anyone from selling, manufacturing, offering for sale, or distributing clothing, toys, nursing pillows, crib mattresses, changing pads, strollers, car seats, or other products designed or intended primarily for use by children age three or younger, if these products contain (1) "TDCPP" or "TDCP" (tris (1,3-dichloro-2-propyl) phosphate), (2) "TCEP" (tris (2-chloroethyl) phosphate), or (3) "TCPP" tris (1-chloro-2-propyl) phosphate. It exempts products governed by federal motor vehicle regulations (see BACKGROUND).

The prohibition does not apply to individuals who resell, offer for resale, or distribute these products primarily for personal, family, or household purposes (e.g., someone selling these products at a tag sale).

The consumer protection (DCP) commissioner must enforce the ban, within available appropriations. He must, after notice and a hearing, impose a maximum civil penalty of \$1,000 per day for first-time violations and \$2,500 per day for subsequent violations. The penalties must be paid into DCP's consumer protection enforcement account,

which DCP uses to pay for enforcement of licensing and registration laws.

**BACKGROUND**

***Chemical Use and Concerns***

These chemicals are added to consumer and industrial products to make them more resistant to fire. But the U.S. Consumer Product Safety Commission banned the use of TCDP in children’s clothing in 1977 after it was found to cause cancer in laboratory animals. According to the federal Agency for Toxic Substances and Disease Registry, TDCP and TCEP exposure has been linked to increased cancer in laboratory animals, but there is limited information available on their health effects on people.

***Federal Motor Vehicle Regulations***

Federal regulations specify burn resistance requirements for materials used in motor vehicles’ passenger compartments (49 CFR § 571.302)

**COMMITTEE ACTION**

Committee on Children

Joint Favorable

Yea 10 Nay 2 (03/11/2014)