Testimony of

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On Behalf of
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Before the
Connecticut Children’s Committee
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Opposition to House Bill 5329
“AN ACT CONCERNING THE USE OF FLAME RETARDANT CHEMICALS IN CHILDREN'S PRODUCTS AND UPHOLSTERED RESIDENTIAL FURNITURE.”
Senator Moore, Senator Suzio, Representative Urban and members of the Joint Children’s Committee, The Juvenile Products Manufacturers Association (JPMA) appreciates this opportunity to comment on House Bill 5329 to require a ban on children’s products with flame retardant chemicals. JPMA highlights critical concerns with the overly broad nature of the legislation and potential negative impacts on internal and inaccessible electronic and electrical components and other regulated juvenile product categories that are already undergoing review for this exact issue at the federal level.

The Juvenile Products Manufacturers Association is a national not-for-profit trade organization representing 95% of the prenatal to preschool industry including the producers, importers, or distributors of a broad range of childcare articles that provides protection to infants and assistance to their caregivers. JPMA collaborates with government officials, consumer groups, and industry leaders on programs to educate consumers on the safe selection and use of juvenile products. We have also previously supported efforts to reduce required use of flame-retardants in polymeric upholstery materials in juvenile products where feasible. However, we must oppose duplicative and unnecessary blanket flame retardant bans, like House Bill 5329 that lack a reasonable deminimis threshold or scientific basis of risk to human health.

**Ongoing Work to Eliminate Flame Retardants - When Feasible**

JPMA is committed to safety and has worked with the U.S. Consumer Product Safety Commission (CPSC), the State of California, and other states to achieve regulations that benefit consumers and ensure and advance product safety. For example, in the development and implementation of the revised California Technical Bulletin 117-2013, JPMA was actively engaged in the regulatory process and worked collaboratively with the California Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation (BEARHFTI), consumer groups, and environmental advocates.

The result was an agreement that juvenile products would be exempted from California’s strict flammability standard. These exemptions provided manufacturers with the relief necessary to reduce or eliminate the required use of certain restricted flame retardant chemicals in many juvenile products, while affording consumers a wider choice of products to aid in the protection and care of their children. Since the implementation of TB117-2013, our manufacturers have moved away from the use of certain flame-retardants identified as potentially hazardous in California since they are no longer required by law to meet the California’s flammability standard.

Additionally, potentially preemptive federal action is moving forward at the federal level that JPMA is engaged in and would specifically be duplicative of House bill 5329. In September 2017, the Consumer Product Safety Commission (CPSC) voted to grant a petition to prohibit the use of additive organohalogen flame retardants in: children's products; upholstered residential furniture; mattresses; and the external casings of electronics devices. The commission's action does not immediately ban these chemicals, but it directs the CPSC staff to begin drafting a regulation under the Federal Hazardous Substances Act (FHSA) and also to convene a Chronic Hazard Advisory Panel (CHAP). This is a group of experts charged with sifting through scientific evidence, to inform the process. The result of this process is likely to be comprehensive preemptive federal safety regulation that would conflict with House Bill 5329 for the exact same chemical class that this bill is trying to regulate.
**Unintended Consequences of Unscientific Bans**

While removal and avoidance of flame-retardants is feasible in some circumstances - it is not in others and if House Bill 5329 were passed, there would be broad reaching ban if juvenile products that require flame retardants to meet safety and performance standards. Specifically, child restraining systems (CRS) or car seats are an example of a product where every component must meet stringent FMVSS 302, flammability Standards under federal crash safety requirements and must use some flame-retardants to meet the performance requirements of this standard.

Second, electronic components in nursery monitors and safety equipment that help check baby’s movement and respiration – particularly for newborns and premature births – rely on components that must meet UL flammability requirements. Even if no flame retardant is used in any other part of the product – and the component does not have any exposure to a child – House Bill 5329 would ban the ability for these products to rely on critical electronic capabilities that are saving lives that once were in danger.

Additionally, electrical components are often sourced from third-party suppliers specializing in the manufacture of electrical/electronic components, such as integrated circuit boards, and purchased contingent on the components meeting all applicable UL standards. Juvenile products manufacturers rely on technology producers to ensure that these components are safe for use in products that are manufactured specifically to be safe for infants, toddlers and their caregivers. While elimination of flame-retardants in some cases can be achieve by the juvenile product maker, in this case, the manufacturer is prevented from doing that via the flame standard and does not manufacture the actual components in question.

**Conclusion**

Product safety is the top priority for JPMA and our members and we understand and support preventing exposure to dangerous chemicals. We appreciate the opportunity to discuss House Bill 5329 and our industry’s role in ensuring safety for juvenile products. However, JPMA respectfully requests that the Committee consider and the negative consequences and unnecessary nature of this legislation not recommend its passage. Thank you for your consideration in this matter.