members of the Committee on Children, I am Tim Phelan,
President of the Connecticut Retail Merchants Association and I
am here today to testify in opposition to:

**House Bill 5329, “AN ACT CONCERNING THE USE OF
FLAME RETARDANT CHEMICALS IN CHILDREN’S
PRODUCTS AND UPHOLSTERED RESIDENTIAL
FURNITURE”**

As you know, CRMA is a statewide trade association
representing some of the world’s largest retailers and the State’s
main street merchants, businesses throughout our State of
Connecticut.

HB 5329 is overly broad, is not supported by the current state of
the science, is inconsistent with laws and regulations nationally
and internationally, and, perhaps even more concerning, would
inhibit innovation that could improve safety.

This legislation would ban a broad range of flame retardants,
including substances that have been determined to be safe by
regulatory authorities as well as new, innovative substances that
haven’t even been developed yet. It would put the state in
conflict with federal law and international regulations, put
Connecticut businesses at a disadvantage relative to businesses
in other jurisdictions, and have a number of additional
counterproductive consequences.

HB 5329 would constrain innovation and limit product design
options for the future that could be important for meeting key
performance and safety standards – at a time when Connecticut
is encouraging business innovation and entrepreneurship, and
supporting the research and development capabilities that harken
back to our history of Yankee Ingenuity.

We all understand that furniture is a major source of fires and
public safety is paramount. But HB 5329 would eliminate the
availability of both current and future tools to help reduce
furniture flammability. The legislature should not remove the
possibility for manufacturers to use products now in the R&D
pipeline that have not yet come to market, and which could
provide sustainable tools to meet future fire safety standards that
are currently under development by the U.S. Consumer Product

The approval process for new chemicals globally is extremely
rigorous, so there does not appear to be a clear benefit in
Connecticut preventing the development and use of new, innovative and sustainable products by Connecticut businesses. Especially when doing so could remove even the possibility of using such new technologies that could help save lives and property from fire. HB 5329 would contradict existing and ongoing government regulatory reviews for some flame retardants, including recent decisions under EPA's new chemicals program as well as decisions by government authorities in Canada, the European Union and other countries. In addition, when EPA approves a flame retardant for use in furniture, the Connecticut restriction for that chemical will be preempted by the federal finding. The legislature will no longer have a rational basis for banning the substance, which will require constant amendments to the law for each EPA-approved substance. It could expose Connecticut to legal action.

The approach outlined in this bill will also negatively impact Connecticut businesses and jobs, and create significant supply chain issues for interstate commerce and Connecticut businesses. Such an extremely broad ban could include substances that are important to other aspects of the upholstered furniture manufacturing process and sets a concerning precedent for chemicals management with potentially broad implications for other materials that Connecticut businesses use. HB 5329 also would put Connecticut manufacturers, retailers and wholesalers at a competitive disadvantage relative to imports and furniture producers/retailers/wholesalers from outside the state. It provides no regulatory structure for implementation and will create significant confusion in the marketplace. For example, the bill exempts furniture purchased for public use in public facilities but how will consumers, manufacturers and retailers know? Furniture produced and purchased is often done for both markets. The legislation has a strong potential to create unwarranted liability and end of life issues for furniture retailers. And there is no clear guidance or compliance measures to inform manufacturers, retailers, sellers or distributors.

There is a growing use of electronics in some furniture products, such as for reclining beds and medical beds, and the broad nature of this bill would negatively impact the use of electronics and also increase the potential for fire risk. The bill's broad language would include products for which these substances were not intentionally added, but could be present at extremely low levels due to recycling or the use of recycled materials.
This could potentially undermine both businesses and the state’s overall recycling efforts. We support the strong regulation of chemicals, and the public safety interest in doing so, but HB 5329 is overly expansive without sound basis, with many detrimental ramifications and potential consequences that I have highlighted. It would, at best, require considerable further study. Thank you for your time, and I would be happy to answer any questions you may have.