Testimony of
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On Behalf of
Juvenile Products Manufacturers Association

Before the Joint Committee on Public Health
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House Bill 6516 & House Bill 7197
An act concerning the use of flame retardant chemicals in children’s products and upholstered residential furniture
Thank you Chairwoman Abrams and Chairman Steinberg and members of the committee for the opportunity to provide testimony on behalf of the Juvenile Products Manufacturers Association (JPMA) expressing our concerns with House Bill 6516. These comments will largely pertain to House Bill 7197, which contains drafted language on the matter.

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 provide protection to infants and assistance to their caregivers. JPMA strives to ensure that all parents and caregivers are confident that the juvenile products they purchase are designed and built with the utmost safety in mind, and fully comply with the strictest safety standards in the country.

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 also have previously supported efforts to reduce the required use of polymeric flame-retardants in juvenile products where feasible, in states like California. However, HB 6516/7197’s ban on flame retardants would go farther than any other state law in the country and would put a serious burden on manufacturers.

**Inaccessible Components Should be Treated Consistently with Other States**

We respectfully ask the committee to exempt inaccessible electronic components in children’s products from the flame retardant restrictions in HB 6516/7197. The use of flame retardant materials in these inaccessible components is necessary in order to meet the performance requirements in electronic component safety standards, including those administered by Underwriters Laboratories (UL). Products such as motorized baby swings, which are not considered “consumer electronics,” do contain electronic components that utilize flame retardants in the same way that other electronic products do and must meet these UL standards. Other impacted products would include nursery monitors which help check baby’s movement and respiration, particularly for newborns and babies born premature.

Inaccessible components, such as printed circuit boards and wiring (which may contain thousands of subcomponents and elements) are specifically designed to never come in contact with a child through reasonable and foreseeable use and abuse. This high standard considers real world use of a product and ensures that there is no exposure to the inaccessible components. As such, every other state that has adopted a children’s chemical safety law or regulated flame-retardants in children’s products has exempted inaccessible components. California, Washington State, Vermont, and Maine all have consistent provisions that inaccessible components are not subject to reporting and potential restrictions unless, in some cases, specific data indicates that there is cause for concern (or on a case-by-case basis).
Protecting health and safety is a critical element of any juvenile product's development. Juvenile products are specifically engineered to ensure that acute safety concerns such as choking, suffocation, entrapment, and other critical safety issues are addressed. Similarly, materials used in juvenile product components are evaluated and designed to mitigate health concerns, and under the Federal Hazardous Substances Act (FHSA), it is illegal to sell a juvenile product that may potentially expose a child to a substance known to be harmful.

*Consistency with other states on this issue is critical* and HB 6516/7197 does not align with existing regulations, which would put an unnecessary burden on manufacturers without advancing any safety concerns.

**JPMA's Ongoing Work to Eliminate Flame-Retardants**

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, 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 to revise California Technical Bulletin 117-2013. The result was an agreement that juvenile products would be exempted from California's strict flammability standard for upholstered furniture and juvenile products. Since the implementation of TB117-2013, and even before, our manufacturers have moved away from the use of certain flame-retardants and worked to ensure that the highest standards of safety are achieved.

**Duplication with Ongoing Federal Rulemaking Process**

JPMA also would like to note that potentially preemptive federal action is moving forward at the federal level and would specifically be duplicative of HB 6516/7197. In September 2017, the Consumer Product Safety Commission (CPSC) voted to grant a petition to prohibit the use of additive organ halogen flame-retardants in children's products; upholstered residential furniture; mattresses; and the external casings of electronics devices. The Commission has directed the CPSC staff to begin drafting a regulation under the Federal Hazardous Substances Act (FHSA) and 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 a comprehensive preemptive federal safety regulation that addresses the same issues as considered in H.6516 in the next year.

**Conclusion**

Product safety is the top priority for JPMA and our members. We understand and support preventing exposure to dangerous chemicals, however this legislation goes too far and does not consider the safety measures in place for inaccessible components. Therefore, we respectfully oppose HB 6516/7197 as currently written.